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SENATE BILL 5814

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State of Washington

61st Legislature

2009 Regular Session

By Senators Franklin and Keiser

Read first time 02/03/09. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to harmonizing health benefit plans to provide  
2 coverage for elemental formulas; adding a new section to chapter 41.05  
3 RCW; adding a new section to chapter 48.20 RCW; adding a new section to  
4 chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a  
5 new section to chapter 48.46 RCW; adding a new section to chapter  
6 48.125 RCW; adding a new section to chapter 70.47 RCW; and adding a new  
7 section to chapter 74.09 RCW.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.05 RCW  
10 to read as follows:

11 (1) Each plan offered to public employees and their covered  
12 dependents under this chapter that is not subject to the provisions of  
13 Title 48 RCW and is issued or renewed after December 31, 2009, shall  
14 provide coverage for amino acid-based elemental formulas for infants  
15 and children when medically necessary, regardless of the delivery  
16 method. The diagnosis of a disease or condition and administration of  
17 the formulas must be ordered by a health care professional licensed  
18 under chapter 18.57 or 18.71 RCW.

1 (2) This section shall not be construed to prevent the application  
2 of standard policy provisions applicable to other benefits, such as  
3 deductible or copayment provisions. This section does not limit the  
4 authority of the health care authority to negotiate rates and contract  
5 with specific providers for the delivery of covered services. This  
6 section does not apply to medicare supplemental policies or  
7 supplemental contracts covering a specified disease or other limited  
8 benefits.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.20 RCW  
10 to read as follows:

11 (1) Each disability insurance policy issued or renewed after  
12 December 31, 2009, that provides coverage for hospital or medical  
13 expenses shall provide coverage for amino acid-based elemental formulas  
14 for infants and children when medically necessary, regardless of the  
15 delivery method. The diagnosis of a disease or condition and  
16 administration of the formulas must be ordered by a health care  
17 professional licensed under chapter 18.57 or 18.71 RCW.

18 (2) This section shall not be construed to prevent the application  
19 of standard policy provisions applicable to other benefits, such as  
20 deductible or copayment provisions. This section does not limit the  
21 authority of an insurer to negotiate rates and contract with specific  
22 providers for the delivery of covered services. This section does not  
23 apply to medicare supplemental policies or supplemental contracts  
24 covering a specified disease or other limited benefits.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 48.21 RCW  
26 to read as follows:

27 (1) Each group disability insurance policy issued or renewed after  
28 December 31, 2009, that provides coverage for hospital or medical  
29 expenses shall provide coverage for amino acid-based elemental formulas  
30 for infants and children when medically necessary, regardless of the  
31 delivery method. The diagnosis of a disease or condition and  
32 administration of the formulas must be ordered by a health care  
33 professional licensed under chapter 18.57 or 18.71 RCW.

34 (2) This section shall not be construed to prevent the application  
35 of standard policy provisions applicable to other benefits, such as  
36 deductible or copayment provisions. This section does not limit the

1 authority of an insurer to negotiate rates and contract with specific  
2 providers for the delivery of covered services. This section does not  
3 apply to medicare supplemental policies or supplemental contracts  
4 covering a specified disease or other limited benefits.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 48.44 RCW  
6 to read as follows:

7 (1) Each health care service contract issued or renewed after  
8 December 31, 2009, that provides coverage for hospital or medical  
9 expenses shall provide coverage for amino acid-based elemental formulas  
10 for infants and children when medically necessary, regardless of the  
11 delivery method. The diagnosis of a disease or condition and  
12 administration of the formulas must be ordered by a health care  
13 professional licensed under chapter 18.57 or 18.71 RCW.

14 (2) This section shall not be construed to prevent the application  
15 of standard policy provisions applicable to other benefits, such as  
16 deductible or copayment provisions. This section does not limit the  
17 authority of a contractor to negotiate rates and contract with specific  
18 providers for the delivery of covered services. This section does not  
19 apply to medicare supplemental policies or supplemental contracts  
20 covering a specified disease or other limited benefits.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 48.46 RCW  
22 to read as follows:

23 (1) Each health maintenance agreement issued or renewed after  
24 December 31, 2009, that provides coverage for hospital or medical  
25 expenses shall provide coverage for amino acid-based elemental formulas  
26 for infants and children when medically necessary, regardless of the  
27 delivery method. The diagnosis of a disease or condition and  
28 administration of the formulas must be ordered by a health care  
29 professional licensed under chapter 18.57 or 18.71 RCW.

30 (2) This section shall not be construed to prevent the application  
31 of standard policy provisions applicable to other benefits, such as  
32 deductible or copayment provisions. This section does not limit the  
33 authority of a health maintenance organization to negotiate rates and  
34 contract with specific providers for the delivery of covered services.  
35 This section does not apply to medicare supplemental policies or

1 supplemental contracts covering a specified disease or other limited  
2 benefits.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 48.125 RCW  
4 to read as follows:

5 (1) Each self-funded multiple employer welfare arrangement  
6 established, operated, providing benefits, or maintained in this state  
7 after December 31, 2009, that provides coverage for hospital or medical  
8 expenses shall provide coverage for amino acid-based elemental formulas  
9 for infants and children when medically necessary, regardless of the  
10 delivery method. The diagnosis of a disease or condition and  
11 administration of the formulas must be ordered by a health care  
12 professional licensed under chapter 18.57 or 18.71 RCW.

13 (2) This section shall not be construed to prevent the application  
14 of standard policy provisions applicable to other benefits, such as  
15 deductible or copayment provisions. This section does not limit the  
16 authority of a self-funded multiple employer welfare arrangement to  
17 negotiate rates and contract with specific providers for the delivery  
18 of covered services. This section does not apply to medicare  
19 supplemental policies or supplemental contracts covering a specified  
20 disease or other limited benefits.

21 NEW SECTION. **Sec. 7.** A new section is added to chapter 70.47 RCW  
22 to read as follows:

23 (1) Any schedule of benefits established or renewed by the  
24 Washington basic health plan after December 31, 2007, shall provide  
25 coverage for amino acid-based elemental formulas for infants and  
26 children when medically necessary, regardless of the delivery method.  
27 The diagnosis of a disease or condition and administration of the  
28 formulas must be ordered by a health care professional licensed under  
29 chapter 18.57 or 18.71 RCW.

30 (2) This section shall not be construed to prevent the application  
31 of standard policy provisions applicable to other benefits, such as  
32 deductible or copayment provisions. This section does not limit the  
33 authority of the health care authority to negotiate rates and contract  
34 with specific providers for the delivery of covered services. This  
35 section does not apply to medicare supplemental policies or

1 supplemental contracts covering a specified disease or other limited  
2 benefits.

3 NEW SECTION. **Sec. 8.** A new section is added to chapter 74.09 RCW  
4 to read as follows:

5 (1) The department shall provide coverage under this chapter for  
6 amino acid-based elemental formulas for infants and children when  
7 medically necessary, regardless of the delivery method. The diagnosis  
8 of a disease or condition and administration of the formulas must be  
9 ordered by a health care professional licensed under chapter 18.57 or  
10 18.71 RCW.

11 (2) This section shall not be construed to prevent the application  
12 of standard policy provisions applicable to other benefits, such as  
13 deductible or copayment provisions. This section does not limit the  
14 authority of the department to negotiate rates and contract with  
15 specific providers for the delivery of covered services. This section  
16 does not apply to medicare supplemental policies or supplemental  
17 contracts covering a specified disease or other limited benefits.

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