

1 State of Arkansas As Engrossed: H3/21/17 S3/29/17

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1900

4

5 By: Representative Bentley

6 By: Senator Bledsoe

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For An Act To Be Entitled

9 AN ACT TO AMEND THE REQUIREMENTS FOR HEALTH INSURANCE
10 COVERAGE FOR MEDICALLY NECESSARY FOODS USED IN THE
11 TREATMENT OF INBORN ERRORS OF METABOLISM; AND FOR
12 OTHER PURPOSES.

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Subtitle

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17 TO AMEND THE REQUIREMENTS FOR HEALTH
18 INSURANCE COVERAGE FOR MEDICALLY
19 NECESSARY FOODS USED IN THE TREATMENT OF
20 INBORN ERRORS OF METABOLISM.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code § 23-79-703 is amended to read as follows:

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23-79-703. Health insurance coverage for medically necessary foods =

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Definition.

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(a) As used in this section, "medical disorder requiring specialized

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nutrients or formulas" means the following inherited metabolic disorders

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involving a failure to properly metabolize certain nutrients:

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(1) Nitrogen metabolism disorder;

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(2) Phenylketonuria;

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(3) Maple syrup urine disease;

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(4) Homocystinuria;

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(5) Citrullinemia;

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(6) Argininosuccinic acidemia;

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(7) Tyrosinemia, type 1;



- 1 (8) Very-long-chain acyl-CoA dehydrogenase deficiency;
 2 (9) Long-chain 3-hydroxyacyl-CoA dehydrogenase deficiency;
 3 (10) Trifunctional protein deficiency;
 4 (11) Glutaric acidemia, type 1;
 5 (12) 3-methylcrotonyl CoA carboxylase deficiency;
 6 (13) Propionic acidemia;
 7 (14) Methylmalonic acidemia due to mutase deficiency;
 8 (15) Methylmalonic acidemia due to cobalamin A,B defect;
 9 (16) Isovaleric acidemia;
 10 (17) Ornithine transcarbamylase deficiency;
 11 (18) Non-ketotic hyperglycinemia;
 12 (19) Glycogen storage diseases;
 13 (20) Disorders of creatine metabolism;
 14 (21) Malonic aciduria;
 15 (22) Carnitine palmitoyl transferase deficiency type II;
 16 (23) Glutaric aciduria type II; and
 17 (24) Sulfite oxidase deficiency.

18 (b)(1) All A health plans plan issued, delivered, amended, or modified
 19 in this state on or after January 1, 2000 2018, shall provide the minimum
 20 benefits set out in subsection (b) under subsection (c) of this section for
 21 medical foods, including without limitation and low:

- 22 (A) Low protein modified food products;
 23 (B) Amino-acid-based elemental formulas;
 24 (C) Extensively hydrolyzed protein formulas;
 25 (D) Formulas with modified vitamin or mineral content; and
 26 (E) Modified nutrient content formulas.

27 (2)(A) The products and formulas listed in subdivision (b)(1) of
 28 this section shall be covered by a health plan regardless of delivery method,
 29 whether enteral or oral, or sole source or supplemental, or the age of the
 30 covered person, for the treatment of a covered person inflicted with
 31 phenylketonuria, galactosemia, organic acidemias, and disorders of amino acid
 32 metabolism with a medical disorder requiring specialized nutrients or
 33 formulas if:

34 (1)(i) Either of the following occurs:

35 (a) The medical food or low protein modified food
 36 products, regardless of delivery method, are prescribed by a healthcare

1 provider licensed under § 17-95-401 et seq. as medically necessary; or

2 (b) A healthcare provider licensed under § 17-95-401
3 et seq. issues a written order stating that a medical food is medically
4 necessary for the therapeutic treatment of phenylketonuria, galactosemia,
5 organic acidemias, and disorders of amino acid metabolism a medical disorder
6 requiring specialized nutrients or formulas as described in subdivision
7 (b)(1) of this section; and

8 ~~(2)(ii)~~ The products are product or formula is
9 administered under the direction of a physician licensed healthcare
10 practitioner under § 17-95-401 et seq. and shall only be administered under
11 the direction of a clinical geneticist and a registered dietitian; and.

12 (B) As used in subdivision (b)(2)(A) of this section, a
13 "healthcare provider" does not include a nurse practitioner or physician's
14 assistant.

15 (3) To be covered by a health plan, treatment of a medical
16 disorder requiring specialized nutrients or formulas shall be:

17 (A) Derived from evidence-based practice guidelines; and

18 (B) Efficacious.

19 ~~(3) The cost of the medical food or low protein modified food~~
20 ~~products for an individual or a family with a dependent person or persons~~
21 ~~exceeds the income tax credit of two thousand four hundred dollars (\$2,400)~~
22 ~~per year per person allowed under § 23-79-702.~~

23 ~~(b)(1) Every health insurance policy, contract, certificate, or~~
24 ~~healthcare plan issued in this state by an insurance company, hospital~~
25 ~~medical service corporation, or health maintenance organization, other than~~
26 ~~coverage limited to expenses from accident only, specified disease, hospital~~
27 ~~indemnity, Medicare supplement, long-term care, disability income, or other~~
28 ~~limited benefit health insurance policies, whether an individual or group~~
29 ~~policy, contract, certificate, or healthcare plan, that covers the insured~~
30 ~~and members of the insured's family shall provide coverage for amino acid~~
31 ~~modified preparations, low protein modified food products, and any other~~
32 ~~special dietary products and formulas prescribed under the direction of a~~
33 ~~physician for the therapeutic treatment of phenylketonuria, galactosemia,~~
34 ~~organic acidemias, and disorders of amino acid metabolism.~~

35 (c)(1) A health insurance policy, contract, certificate, or healthcare
36 plan issued in this state by an insurance company, hospital medical service

1 corporation, health maintenance organization, or a self-funded or self-
 2 insured governmental plan, whether an individual or group policy, contract,
 3 certificate, or healthcare plan, that covers the insured and the insured's
 4 family shall provide coverage and reimbursement for the treatment of a
 5 medical disorder requiring specialized nutrients or formulas in accordance
 6 with subsection (b) of this section.

7 (2) Benefits provided under the Arkansas Medicaid Program or
 8 coverage limited to expenses from an accident-only, specified disease,
 9 hospital indemnity, Medicare supplement, long-term care, disability income,
 10 or other limited benefit health insurance policy or plan is exempt from the
 11 requirement of subdivision (c)(1) of this section.

12 ~~(2)(3)~~ This ~~The~~ benefit provided under subdivision (c)(1) of
 13 this section may be subject to a deductible, copayments, coinsurance, or
 14 other patient cost-sharing amounts required by the health plan.

15 ~~(e)(d)~~ If the cost of the medical food or low protein modified food
 16 products or formulas described in subdivision (b)(1) of this section
 17 for an individual or a family with a dependent child or children a covered
 18 person exceeds the income tax credit of two thousand four hundred dollars
 19 (\$2,400) per year per ~~child~~ covered person allowed under § 23-79-702 and the
 20 ~~individual or a family with a dependent child or children has been denied~~
 21 ~~accident and health insurance or coverage for phenylketonuria, galactosemia,~~
 22 ~~organic acidemias, and disorders of amino acid metabolism or~~ covered person
 23 cannot afford insurance coverage for ~~phenylketonuria, galactosemia, organic~~
 24 ~~acidemias, and disorders of amino acid metabolism~~ treatment of a medical
 25 disorder requiring specialized nutrients or formulas as described in
 26 subdivision (b)(1) of this section, the Department of Health shall reimburse
 27 the healthcare provider up to one thousand dollars (\$1,000) per ~~individual~~
 28 covered person from any funds appropriated ~~therefor~~ for the required
 29 healthcare service, including screening, diagnostic, and treatment services.

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 31 /s/Bentley
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34 **APPROVED: 04/07/2017**
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