

State of Arkansas  
91st General Assembly  
Regular Session, 2017

*As Engrossed: H3/21/17*

## A Bill

HOUSE BILL 1900

By: Representative Bentley

### For An Act To Be Entitled

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

### Subtitle

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

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

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

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

(a) As used in this section, "medical disorder requiring specialized  
nutrients or formulas" means an inherited metabolic disorder involving a  
failure to properly metabolize certain nutrients, including:

(1) Amino acid metabolism disorder;

(2) Carbohydrate metabolism disorder;

(3) Lipid metabolism disorder; and

(4) Nitrogen metabolism disorder.

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



1           (A) Low protein modified food products;

2           (B) Amino-acid-based elemental formulas;

3           (C) Extensively hydrolyzed protein formulas;

4           (D) Formulas with modified vitamin or mineral content; and

5           (E) Modified nutrient content formulas.

6           (2) The products and formulas listed in subdivision (b)(1) of  
7 this section shall be covered by a health plan regardless of delivery method,  
8 whether enteral or oral, or sole source or supplemental, or the age of the  
9 covered person, for the treatment of a covered person inflicted with  
10 phenylketonuria, galactosemia, organic acidemias, and disorders of amino acid  
11 metabolism with a medical disorder requiring specialized nutrients or  
12 formulas if:

13           ~~(1)~~(A) Either of the following occurs:

14                   (i) The medical food or low protein modified food  
15 products, regardless of delivery method, are prescribed as medically  
16 necessary; or

17                   (ii) A licensed healthcare provider issues a written  
18 order stating that a medical food is medically necessary for the therapeutic  
19 treatment of phenylketonuria, galactosemia, organic acidemias, and disorders  
20 of amino acid metabolism a medical disorder requiring specialized nutrients  
21 or formulas as described in subdivision (b)(1) of this section; and

22           ~~(2)~~(B) The ~~products are~~ product or formula is administered  
23 under the direction of a ~~physician~~ licensed healthcare practitioner under §  
24 17-95-401 et seq., and

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

29           ~~(b)(1)~~ Every health insurance policy, contract, certificate, or  
30 healthcare plan issued in this state by an insurance company, hospital  
31 medical service corporation, or health maintenance organization, other than  
32 coverage limited to expenses from accident only, specified disease, hospital  
33 indemnity, Medicare supplement, long-term care, disability income, or other  
34 limited benefit health insurance policies, whether an individual or group  
35 policy, contract, certificate, or healthcare plan, that covers the insured  
36 and members of the insured's family shall provide coverage for amino acid

1 ~~modified preparations, low protein modified food products, and any other~~  
2 ~~special dietary products and formulas prescribed under the direction of a~~  
3 ~~physician for the therapeutic treatment of phenylketonuria, galactosemia,~~  
4 ~~organic acidemias, and disorders of amino acid metabolism.~~

5 (c)(1) A health insurance policy, contract, certificate, or healthcare  
6 plan issued in this state by an insurance company, hospital medical service  
7 corporation, health maintenance organization, or a self-funded or self-  
8 insured governmental plan, whether an individual or group policy, contract,  
9 certificate, or healthcare plan, that covers the insured and the insured's  
10 family shall provide coverage and reimbursement for the treatment of a  
11 medical disorder requiring specialized nutrients or formulas in accordance  
12 with subsection (b) of this section.

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

18 ~~(2)(3)~~ This ~~The~~ benefit provided under subdivision (c)(1) of  
19 this section may be subject to a deductible, copayments, coinsurance, or  
20 other patient cost-sharing amounts required by the health plan.

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

*/s/Bentley*

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