

HOUSE BILL 578

C3

(8lr1050)

ENROLLED BILL

—Health and Government Operations/Finance—

Introduced by **Delegates Pena-Melnyk, Mizeur, Benson, Bromwell, Costa, Donoghue, Dumais, Elliott, Feldman, Gutierrez, Guzzone, Heller, Kaiser, Kipke, Montgomery, Nathan-Pulliam, Oaks, Reznik, Rice, Tarrant, F. Turner, V. Turner, Waldstreicher, ~~and Weldon~~ Weldon, Beitzel, Hammen, Hubbard, Kach, Kullen, McDonough, Morhaim, Pendergrass, and Riley**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Health Insurance – Coverage for Amino Acid–Based Elemental Formula**

3 FOR the purpose of requiring certain insurers, nonprofit health service plans, and
4 health maintenance organizations to provide coverage for amino acid–based
5 elemental formula for the diagnosis and treatment of certain allergies,
6 syndromes, and conditions under certain circumstances; authorizing a private
7 review agent, acting on behalf of an insurer, nonprofit health service plan, or
8 health maintenance organization to review a certain determination of medical
9 necessity in accordance with certain provisions of law; providing for the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 application of this Act; and generally relating to requiring health insurance
2 coverage for amino acid–based elemental formula.

3 BY adding to
4 Article – Health – General
5 Section 19–706(ppp)
6 Annotated Code of Maryland
7 (2005 Replacement Volume and 2007 Supplement)

8 BY adding to
9 Article – Insurance
10 Section 15–843
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2007 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Health – General**

16 19–706.

17 **(PPP) THE PROVISIONS OF § 15–843 OF THE INSURANCE ARTICLE APPLY**
18 **TO HEALTH MAINTENANCE ORGANIZATIONS.**

19 **Article – Insurance**

20 **15–843.**

21 **(A) THIS SECTION APPLIES TO:**

22 **(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT**
23 **PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR**
24 **GROUPS ON AN EXPENSE–INCURRED BASIS UNDER HEALTH INSURANCE**
25 **POLICIES THAT ARE ISSUED OR DELIVERED IN THE STATE; AND**

26 **(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE**
27 **HOSPITAL, MEDICAL, AND SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS**
28 **UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.**

29 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A POLICY**
30 **OR PLAN SUBJECT TO THIS SECTION SHALL INCLUDE, UNDER THE FAMILY**
31 **MEMBER COVERAGE, COVERAGE FOR AMINO ACID–BASED ELEMENTAL**
32 **FORMULA, REGARDLESS OF DELIVERY METHOD, FOR THE DIAGNOSIS AND**
33 **TREATMENT OF:**

1 (I) IMMUNOGLOBULIN E AND NON-IMMUNOGLOBULIN E
2 MEDIATED ALLERGIES TO MULTIPLE FOOD PROTEINS;

3 (II) SEVERE FOOD PROTEIN INDUCED ENTEROCOLITIS
4 SYNDROME;

5 (III) EOSINOPHILIC DISORDERS, AS EVIDENCED BY THE
6 RESULTS OF A BIOPSY; AND

7 (IV) IMPAIRED ABSORPTION OF NUTRIENTS CAUSED BY
8 DISORDERS AFFECTING THE ABSORPTIVE SURFACE, FUNCTIONAL LENGTH, AND
9 MOTILITY OF THE GASTROINTESTINAL TRACT.

10 (2) ~~THE~~ SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE
11 COVERAGE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS
12 REQUIRED IF THE ORDERING PHYSICIAN HAS ISSUED A WRITTEN ORDER
13 STATING THAT THE AMINO ACID-BASED ELEMENTAL FORMULA IS MEDICALLY
14 NECESSARY FOR THE TREATMENT OF A DISEASE OR DISORDER *LISTED IN*
15 *PARAGRAPH (1) OF THIS SUBSECTION.*

16 (3) ~~AN~~ IN ACCORDANCE WITH SUBTITLE 10A OF THIS TITLE, A
17 PRIVATE REVIEW AGENT, ACTING ON BEHALF OF AN INSURER, NONPROFIT
18 HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION
19 ORGANIZATION, MAY REVIEW THE ORDERING PHYSICIAN'S DETERMINATION OF
20 THE MEDICAL NECESSITY OF THE AMINO ACID-BASED ELEMENTAL FORMULA
21 FOR THE TREATMENT OF A DISEASE OR DISORDER *LISTED IN PARAGRAPH (1) OF*
22 *THIS SUBSECTION.*

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
24 policies, contracts, and health benefit plans issued, delivered, or renewed in the State
25 on or after October 1, 2008.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2008.