

HOUSE BILL 578

C3

8lr1050

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**

Introduced and read first time: January 31, 2008

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2008

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 an insurer,
7 nonprofit health service plan, or health maintenance organization to review a
8 certain determination of medical necessity; providing for the application of this
9 Act; and generally relating to requiring health insurance coverage for amino
10 acid–based elemental formula.

11 BY adding to

12 Article – Health – General

13 Section 19–706(ppp)

14 Annotated Code of Maryland

15 (2005 Replacement Volume and 2007 Supplement)

16 BY adding to

17 Article – Insurance

18 Section 15–843

19 Annotated Code of Maryland

20 (2006 Replacement Volume and 2007 Supplement)

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.



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

3 **Article - Health - General**

4 19-706.

5 **(PPP) THE PROVISIONS OF § 15-843 OF THE INSURANCE ARTICLE APPLY**
6 **TO HEALTH MAINTENANCE ORGANIZATIONS.**

7 **Article - Insurance**

8 **15-843.**

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

10 **(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT**
11 **PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR**
12 **GROUPS ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE**
13 **POLICIES THAT ARE ISSUED OR DELIVERED IN THE STATE; AND**

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

17 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A POLICY**
18 **OR PLAN SUBJECT TO THIS SECTION SHALL INCLUDE, UNDER THE FAMILY**
19 **MEMBER COVERAGE, COVERAGE FOR AMINO ACID-BASED ELEMENTAL**
20 **FORMULA, REGARDLESS OF DELIVERY METHOD, FOR THE DIAGNOSIS AND**
21 **TREATMENT OF:**

22 **(I) IMMUNOGLOBULIN E AND NON-IMMUNOGLOBULIN E**
23 **MEDIATED ALLERGIES TO MULTIPLE FOOD PROTEINS;**

24 **(II) SEVERE FOOD PROTEIN INDUCED ENTEROCOLITIS**
25 **SYNDROME;**

26 **(III) EOSINOPHILIC DISORDERS, AS EVIDENCED BY THE**
27 **RESULTS OF A BIOPSY; AND**

28 **(IV) IMPAIRED ABSORPTION OF NUTRIENTS CAUSED BY**
29 **DISORDERS AFFECTING THE ABSORPTIVE SURFACE, FUNCTIONAL LENGTH, AND**
30 **MOTILITY OF THE GASTROINTESTINAL TRACT.**

1 (2) ~~THE~~ SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE
 2 COVERAGE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS
 3 REQUIRED IF THE ORDERING PHYSICIAN HAS ISSUED A WRITTEN ORDER
 4 STATING THAT THE AMINO ACID-BASED ELEMENTAL FORMULA IS MEDICALLY
 5 NECESSARY FOR THE TREATMENT OF A DISEASE OR DISORDER.

6 (3) AN INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH
 7 MAINTENANCE ORGANIZATION MAY REVIEW THE ORDERING PHYSICIAN'S
 8 DETERMINATION OF THE MEDICAL NECESSITY OF THE AMINO ACID-BASED
 9 ELEMENTAL FORMULA FOR THE TREATMENT OF A DISEASE OR DISORDER.

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.