

# HOUSE BILL 441

C3

9lr2273

---

By: **Delegate Bromwell**

Introduced and read first time: February 3, 2009

Assigned to: Health and Government Operations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Coverage of Amino Acid–Based Elemental Formula –**  
3 **Modifications**

4 FOR the purpose of requiring certain insurers, nonprofit health service plans, and  
5 health maintenance organizations that provide coverage to individuals who  
6 reside or work in the State to provide certain coverage for amino acid–based  
7 elemental formula; making certain technical corrections; providing for the  
8 application of this Act; and generally relating to modifications of health  
9 insurance coverage for amino acid–based elemental formula.

10 BY repealing and reenacting, with amendments,  
11 Article – Insurance  
12 Section 15–843  
13 Annotated Code of Maryland  
14 (2006 Replacement Volume and 2008 Supplement)

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

17 **Article – Insurance**

18 15–843.

19 (a) This section applies to:

20 (1) insurers and nonprofit health service plans that provide hospital,  
21 medical, or surgical benefits to individuals or groups on an expense–incurred basis  
22 under health insurance policies that are issued or delivered in the State; [and]

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) health maintenance organizations that provide hospital, medical,  
2 [and] OR surgical benefits to individuals or groups under contracts that are issued or  
3 delivered in the State; AND

4 (3) **INSURERS, NONPROFIT HEALTH SERVICE PLANS, AND HEALTH**  
5 **MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL, MEDICAL, OR**  
6 **SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER HEALTH INSURANCE**  
7 **POLICIES OR CONTRACTS THAT COVER INDIVIDUALS WHO RESIDE OR WORK IN**  
8 **THE STATE.**

9 (b) (1) Subject to paragraph (2) of this subsection, [a policy or plan] AN  
10 ENTITY subject to this section shall include, under the family member coverage,  
11 coverage for amino acid–based elemental formula, regardless of delivery method, for  
12 the diagnosis and treatment of:

13 (i) Immunoglobulin E and non–Immunoglobulin E mediated  
14 allergies to multiple food proteins;

15 (ii) severe food protein induced enterocolitis syndrome;

16 (iii) eosinophilic disorders, as evidenced by the results of a  
17 biopsy; and

18 (iv) impaired absorption of nutrients caused by disorders  
19 affecting the absorptive surface, functional length, and motility of the gastrointestinal  
20 tract.

21 (2) Subject to paragraph (3) of this subsection, the coverage required  
22 under paragraph (1) of this subsection is required if the ordering physician has issued  
23 a written order stating that the amino acid–based elemental formula is medically  
24 necessary for the treatment of a disease or disorder listed in paragraph (1) of this  
25 subsection.

26 (3) In accordance with Subtitle 10A of this title, a private review  
27 agent, acting on behalf of an insurer, nonprofit health service plan, or health  
28 maintenance organization, may review the ordering physician’s determination of the  
29 medical necessity of the amino acid–based elemental formula for the treatment of a  
30 disease or disorder listed in paragraph (1) of this subsection.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to  
32 all policies, contracts, and health benefit plans that cover individuals who reside or  
33 work in the State on or after October 1, 2009.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 2009.