

No. 2014-158

AN ACT

HB 1436

Amending the act of December 20, 1996 (P.L.1492, No.191), entitled "An act providing for certain health insurance policies to cover the cost of formulas necessary for the treatment of phenylketonuria and related disorders," amending the title of the act; and further providing for medical foods insurance coverage, for cost-sharing provisions, for regulations and for applicability.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The title and sections 4, 6, 8 and 9 of the act of December 20, 1996 (P.L.1492, No.191), known as the Medical Foods Insurance Coverage Act, are amended to read:

AN ACT

Providing for certain health insurance policies to cover the cost of formulas necessary for the treatment of phenylketonuria and [related] *other* disorders.

Section 4. Medical foods insurance coverage.

(a) Nutritional supplements.—Except as provided in section 7, any health insurance policy which is delivered, issued for delivery, renewed, extended or modified in this Commonwealth by any health care insurer shall provide that the health insurance benefits applicable under the policy include coverage for the cost of nutritional supplements (formulas) as medically necessary for the therapeutic treatment of phenylketonuria, branched-chain ketonuria, galactosemia and homocystinuria as administered under the direction of a physician.

(b) Amino acid-based elemental medical formula.—*Except as provided in section 7, any health insurance policy which is delivered, issued for delivery, renewed, extended or modified in this Commonwealth by any health care insurer shall provide that the health insurance benefits applicable under the policy include coverage for infants and children for the usual and customary cost of amino acid-based elemental medical formula ordered by a physician as medically necessary and administered orally or enterally for food protein allergies, food protein-induced enterocolitis syndrome, eosinophilic disorders and short-bowel syndrome. An amino acid-based elemental formula covered under this section is a formula made of 100% free amino acids as the protein source.*

Section 6. Cost-sharing provisions.

(a) Applicability.—Benefits for nutritional supplements (formulas) as medically necessary for the therapeutic treatment of phenylketonuria, branched-chain ketonuria, galactosemia and homocystinuria as administered under the direction of a physician shall be subject to copayment and coinsurance provisions of a health insurance policy to the extent that other medical services covered by the policy are subject to those provisions.

(a.1) Amino acid-based elemental medical formula.—Benefits for amino acid-based elemental medical formula ordered by a physician as medically necessary for food protein allergies, food protein-induced enterocolitis syndrome, eosinophilic disorders and short-bowel syndrome shall be subject to copayment and coinsurance provisions of a health insurance policy to the extent that other medical services covered by the policy are subject to those provisions.

(b) Exemption.—Benefits for nutritional supplements (formulas) as medically necessary for the therapeutic treatment of phenylketonuria, branched-chain ketonuria, galactosemia and homocystinuria as administered under the direction of a physician shall be exempt from deductible provisions in a health insurance policy. This exemption must be explicitly provided for in the policy.

Section 8. Regulations.

The Department of Health and the Insurance Department **[shall] may** promulgate regulations ***as necessary and appropriate*** to implement this act.

Section 9. Applicability.

[This act shall apply to all insurance policies, subscriber contracts and group insurance certificates issued under any group master policy delivered or issued for delivery on or after the effective date of this act. This act shall also apply to all renewals of contracts on any renewal date which is on or after the effective date of this act.] *This act shall apply as follows:*

(1) For health insurance policies for which either rates or forms are required to be filed with the Insurance Department or the Federal Government, this act shall apply to any policy for which a form or rate is first filed on or after the effective date of this section.

(2) For health insurance policies for which neither rates nor forms are required to be filed with the Insurance Department or the Federal Government, this act shall apply to any policy issued or renewed on or after 180 days after the effective date of this section.

Section 2. This act shall take effect in 180 days.

APPROVED—The 22nd day of October, A.D. 2014

TOM CORBETT