
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2662 Session of
2012

INTRODUCED BY TRUITT, BOBACK, DAVIS, GEORGE, MULLERY, MURT,
SAYLOR AND YOUNGBLOOD, OCTOBER 1, 2012

REFERRED TO COMMITTEE ON INSURANCE, OCTOBER 1, 2012

AN ACT

1 Requiring prescription drug benefits and health care policies to
2 provide coverage and reimbursement for amino acid-based
3 elemental formulas for the treatment of a disease or
4 disorder.

5 The General Assembly finds that:

6 (1) Children in this Commonwealth are born every year
7 with gastrointestinal disorders such as Gastrointestinal
8 Reflux Disease (GERD), multiple severe food protein
9 allergies, Eosinophilic Esophagitis (EE) and others, which
10 either prevent proper digestion or result in negative
11 reaction to certain natural milk or soy products, formulas
12 and multiple foods.

13 (2) These above-listed conditions and others create a
14 situation where a natural sustained existence is virtually
15 impossible and threaten a child's ability to thrive.

16 (3) As many of these children are unable to process
17 essential specific naturally occurring nutrients (e.g. whole
18 milk proteins), parents at the advice and direction of a
19 licensed health care professional must seek external or oral

1 elemental formulas, such as amino acid modified formulas and
2 other specialized formulas, to provide proper and medically
3 necessary nutrition.

4 (4) The amino acid-based elemental formulas and food
5 products are widely available but expensive in nature due, in
6 part, to complex scientific manufacturing processes, cost of
7 raw materials and product quality assurance required for
8 these at-risk individuals.

9 (5) Health insurance policies currently only cover the
10 cost of specialized amino acid-based elemental formulas when
11 administered by tube feeding for the most at-risk
12 individuals, even though tube feeding is not always the least
13 medically invasive or most cost-effective option available.

14 (6) Proper infant and child nutrition significantly
15 reduces digestion problems and resolves the severe negative
16 reaction to food protein allergens and other developmental
17 and physical conditions as well as the need for future, more
18 expensive medical treatments.

19 (7) Medicaid covers the cost of the formulas and food
20 products.

21 (8) The Commonwealth is committed to give each and every
22 child, regardless of consequence, proper nutrition and high
23 quality of life.

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

26 Section 1. Coverage and reimbursement for amino-based elemental
27 formulas.

28 A hospital, medical service corporation, health insurance
29 corporation, health maintenance organization and nonprofit group
30 that provides a prescription drug benefit or reimbursement for

1 health care costs under a health care policy delivered, issued
2 for delivery or renewed in this State on or after the effective
3 date of this section shall provide coverage and reimbursement
4 for amino acid-based elemental formulas, regardless of delivery
5 method, for the diagnosis and treatment of Immunoglobulin E and
6 Non-immunoglobulin E mediated allergies to multiple food
7 proteins, food protein induced enterocolitis syndrome,
8 eosinophilic disorders and impaired absorption of nutrients
9 caused by disorders affecting the absorptive surface, functional
10 length and motility of the gastrointestinal tract, when the
11 ordering physician has issued a written order stating that the
12 amino acid-based elemental formula is medically necessary for
13 the treatment of a disease or disorder.

14 Section 2. Effective date.

15 This act shall take effect in 60 days.