

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 675 Session of 2009

INTRODUCED BY WONDERLING, RAFFERTY, LOGAN, ERICKSON, KITCHEN,
O'PAKE, COSTA, WAUGH AND BOSCOLA, MARCH 23, 2009

REFERRED TO BANKING AND INSURANCE, MARCH 23, 2009

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An
2 act relating to insurance; amending, revising, and
3 consolidating the law providing for the incorporation of
4 insurance companies, and the regulation, supervision, and
5 protection of home and foreign insurance companies, Lloyds
6 associations, reciprocal and inter-insurance exchanges, and
7 fire insurance rating bureaus, and the regulation and
8 supervision of insurance carried by such companies,
9 associations, and exchanges, including insurance carried by
10 the State Workmen's Insurance Fund; providing penalties; and
11 repealing existing laws," providing for reimbursement for
12 food and food products for inherited metabolic diseases.

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

15 Section 1. The act of May 17, 1921 (P.L.682, No.284), known
16 as The Insurance Company Law of 1921, is amended by adding a
17 section to read:

18 Section 635.4. Reimbursement for Food and Food Products for
19 Inherited Metabolic Diseases.--(a) As used in this section:

20 (1) "Inherited metabolic disease" means a disease caused by
21 an inherited abnormality of body chemistry. The term includes a
22 disease for which the Commonwealth screens newborn babies.

23 (2) "Low protein modified food product" means a food product

1 that is specially formulated to have less than one gram of
2 protein per serving and is intended to be used under the
3 direction of a physician for the dietary treatment of an
4 inherited metabolic disease. The term does not include a natural
5 food that is naturally low in protein.

6 (3) "Medical food" means a food that is intended for the
7 dietary treatment of a disease or condition for which
8 nutritional requirements are established by medical evaluation
9 and is formulated to be consumed or administered enterally under
10 the direction of a physician.

11 (b) Except to the extent already covered under another
12 policy, any individual or group health, sickness and accident
13 insurance policy, group health insurance plans/policies and all
14 other forms of managed/capitated care plans/policies or
15 subscriber contract or certificate issued by any entity subject
16 to 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or
17 63 (relating to professional health services plan corporations)
18 or the act of December 29, 1972 (P.L.1701, No.364), known as the
19 "Health Maintenance Organization Act," or this act providing
20 hospital or medical/surgical coverage, including medical
21 assistance, shall provide coverage of medical foods and low
22 protein modified food products for the treatment of an inherited
23 metabolic disease if prescribed as medically necessary for the
24 treatment of the inherited metabolic disease by and administered
25 under the direction of a physician legally authorized to
26 prescribe such items under law. The benefits specified in this
27 section may be provided through a combination of policies,
28 contracts, certificates or riders, including major medical
29 contracts.

30 (c) This section does not include the following policies:

1 accident only, fixed indemnity, limited benefit, credit, dental,
2 vision, specified disease, Medicare supplement, Civilian Health
3 and Medical Program of the Uniformed Services (CHAMPUS)
4 supplement, long-term care, disability income, workers'
5 compensation or automobile medical payment.

6 Section 2. This act shall take effect in 60 days.