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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 49 Session of  
2013

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INTRODUCED BY TRUITT, BISHOP, YOUNGBLOOD, SCHLOSSBERG, KORTZ,  
WATSON, BRADFORD, GROVE, MCCARTER, THOMAS, BOBACK AND DEAN,  
JANUARY 10, 2013

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REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, JANUARY 10, 2013

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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) Each year children in this Commonwealth are born  
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

1 licensed health care professional must seek external or oral  
2 elemental formulas, such as amino acid-modified formulas and  
3 other specialized formulas, to provide proper and medically  
4 necessary nutrition.

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

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

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

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

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

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

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

29 A hospital, medical service corporation, health insurance  
30 corporation, health maintenance organization and nonprofit group

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

15 Section 2. Effective date.

16 This act shall take effect in 60 days.