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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1436 Session of  
2013

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INTRODUCED BY TRUITT, PAINTER, YOUNGBLOOD, BARRAR, BISHOP,  
MILLARD, ROZZI, SCHLOSSBERG, V. BROWN, BROOKS, SABATINA,  
HEFFLEY AND WATSON, MAY 23, 2013

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REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, MAY 23, 2013

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AN ACT

1 Amending the act of December 20, 1996 (P.L.1492, No.191),  
2 entitled "An act providing for certain health insurance  
3 policies to cover the cost of formulas necessary for the  
4 treatment of phenylketonuria and related disorders," amending  
5 the title of the act; and further providing for declaration  
6 of policy, for medical foods insurance coverage, for cost-  
7 sharing provisions and for exemption.

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

10 Section 1. The title and sections 2, 4, 6 and 7 of the act  
11 of December 20, 1996 (P.L.1492, No.191), known as the Medical  
12 Foods Insurance Coverage Act, are amended to read:

13 AN ACT

14 Providing for certain health insurance policies to cover the  
15 cost of formulas necessary for the treatment of  
16 phenylketonuria and related disorders and food-related  
17 allergic disorders.

18 Section 2. Declaration of policy.

19 The General Assembly finds and declares as follows:

20 (1) Phenylketonuria (PKU), branched-chain ketonuria,

1 galactosemia and homocystinuria are aminoacidopathies that  
2 are rare hereditary genetic metabolic disorders.

3 (2) Lacking in these aminoacidopathies is the body's  
4 ability to process or metabolize amino acids, and, if left  
5 untreated or without proper therapeutic management, these  
6 disorders cause severe mental retardation and chronic  
7 physical disabilities.

8 (3) The only form of treatment is by restricting food  
9 intake in order to remove the problem amino acids, which are  
10 necessary in the diet, and then replenishing them in  
11 carefully controlled measured amounts of a nutritional food  
12 substitute.

13 (4) In an attempt to encourage the development of new  
14 products, increase availability and reduce cost, formulas  
15 were removed from the Federal prescription list and  
16 reclassified as medical foods. An unfortunate side effect has  
17 been the reluctance of many insurance companies to cover the  
18 cost of these formulas. In instances where coverage is  
19 provided, it is random and subject to inconsistent  
20 interpretation.

21 (5) The intent of this legislation is not to require  
22 insurance coverage for normal food products used in dietary  
23 management of these disorders, but to provide for such  
24 coverage of formulas that are equivalent to a prescription  
25 drug medically necessary for the therapeutic treatment and  
26 dietary management of such rare hereditary genetic metabolic  
27 and food-related allergic disorders, and administered under  
28 the direction of a physician.

29 (6) In recognition by the General Assembly that such  
30 formulas are medically necessary and critical to the well-

1 being of individuals afflicted with rare hereditary genetic  
2 metabolic and food-related allergic disorders, it shall be  
3 required that health insurance policies issued in this  
4 Commonwealth shall include such coverage.

5 Section 4. Medical foods insurance coverage.

6 Except as provided in section 7, any health insurance policy  
7 which is delivered, issued for delivery, renewed, extended or  
8 modified in this Commonwealth by any health care insurer shall  
9 provide that the health insurance benefits applicable under the  
10 policy include coverage for the cost of nutritional supplements  
11 (formulas) as medically necessary for the therapeutic treatment  
12 of phenylketonuria, branched-chain ketonuria, galactosemia  
13 [and], homocystinuria, IgE and Non-IgE mediated food protein  
14 allergies, food protein-induced enterocolitis syndrome,  
15 eosinophilic disorders and short-bowel syndrome as administered  
16 under the direction of a physician.

17 Section 6. Cost-sharing provisions.

18 (a) Applicability.--Benefits for nutritional supplements  
19 (formulas) as medically necessary for the therapeutic treatment  
20 of phenylketonuria, branched-chain ketonuria, galactosemia  
21 [and], homocystinuria and food-related allergic disorders as  
22 administered under the direction of a physician shall be subject  
23 to copayment and coinsurance provisions of a health insurance  
24 policy to the extent that other medical services covered by the  
25 policy are subject to those provisions.

26 (b) Exemption.--Benefits for nutritional supplements  
27 (formulas) as medically necessary for the therapeutic treatment  
28 of phenylketonuria, branched-chain ketonuria, galactosemia and  
29 homocystinuria as administered under the direction of a  
30 physician shall be exempt from deductible provisions in a health

1 insurance policy. This exemption must be explicitly provided for  
2 in the policy.

3 Section 7. Exemption.

4 Notwithstanding sections 4 and 5, this act shall not be  
5 construed to require a health insurance policy to include  
6 coverage for nutritional supplements (formulas) as medically  
7 necessary for the therapeutic treatment of phenylketonuria,  
8 branched-chain ketonuria, galactosemia [and], homocystinuria and  
9 food-related allergic disorders as administered under the  
10 direction of a physician for an individual who is a resident of  
11 this Commonwealth if all of the following apply:

12 (1) The individual is employed outside this  
13 Commonwealth.

14 (2) The individual's employer maintains a health  
15 insurance policy for the individual as an employment benefit.

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