

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 12, 2016  
Date

Committee on Public Health Care & Human Services.

After consideration on the merits, the Committee recommends the following:

HB16-1387 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3           **"SECTION 1.** In Colorado Revised Statutes, 10-16-104, **amend**  
4 (1) (c) (III) (A) and (1) (c) (III) (C) as follows:  
5           **10-16-104. Mandatory coverage provisions - definitions -**  
6 **rules.** (1) **Newborn children.** (c) (III) (A) Coverage for inherited  
7 enzymatic disorders caused by single gene defects involved in the  
8 metabolism of amino, organic, and fatty acids ~~shall include, but not be~~  
9 ~~limited to~~ AS WELL AS SEVERE PROTEIN ALLERGIC CONDITIONS INCLUDES,  
10 WITHOUT LIMITATION, the following diagnosed conditions:  
11 Phenylketonuria; maternal phenylketonuria; maple syrup urine disease;  
12 tyrosinemia; homocystinuria; histidinemia; urea cycle disorders;  
13 hyperlysinemia; glutaric acidemias; methylmalonic acidemia; ~~and~~  
14 propionic acidemia; IMMUNOGLOBULIN E AND NONIMMUNOGLOBULIN  
15 E-MEDIATED ALLERGIES TO MULTIPLE FOOD PROTEINS; SEVERE FOOD  
16 PROTEIN INDUCED ENTEROCOLITIS SYNDROME; EOSINOPHILIC DISORDERS  
17 AS EVIDENCED BY THE RESULTS OF A BIOPSY; AND IMPAIRED ABSORPTION  
18 OF NUTRIENTS CAUSED BY DISORDERS AFFECTING THE ABSORPTIVE  
19 SURFACE, FUNCTION, LENGTH, AND MOTILITY OF THE GASTROINTESTINAL  
20 TRACT. Covered care and treatment of such conditions shall include, to  
21 the extent medically necessary, medical foods for home use for which a  
22 physician who is a participating provider has issued a written, oral, or

1 electronic prescription.

2 (C) As used in this subparagraph (III), "medical foods" means  
3 prescription metabolic formulas and their modular counterparts AND  
4 AMINO ACID-BASED ELEMENTAL FORMULAS, obtained through a pharmacy,  
5 that are specifically designated and manufactured for the treatment of  
6 inherited enzymatic disorders caused by single gene defects involved in  
7 the metabolism of amino, organic, and fatty acids and for SEVERE  
8 ALLERGIC CONDITIONS, IF DIAGNOSED BY A BOARD-CERTIFIED ALLERGIST  
9 OR BOARD-CERTIFIED GASTROENTEROLOGIST, FOR which medically  
10 standard methods of diagnosis, treatment, and monitoring exist. Such  
11 formulas are specifically processed or formulated to be deficient in one  
12 or more nutrients. ~~and~~ THE FORMULAS FOR SEVERE FOOD ALLERGIES  
13 CONTAIN ONLY SINGULAR FORME ELEMENTAL AMINO ACIDS. THE FORMULAS  
14 are to be consumed or administered enterally either via tube or oral route  
15 under the direction of a physician who is a participating provider. This  
16 sub-subparagraph (C) shall not be construed to apply to cystic fibrosis  
17 patients or lactose- or soy-intolerant patients.

18 **SECTION 2. Act subject to petition - effective date.** This act  
19 takes effect January 1, 2018; except that, if a referendum petition is filed  
20 pursuant to section 1 (3) of article V of the state constitution against this  
21 act or an item, section, or part of this act within the ninety-day period  
22 after final adjournment of the general assembly, then the act, item,  
23 section, or part will not take effect unless approved by the people at the  
24 general election to be held in November 2016 and, in such case, will take  
25 effect on January 1, 2018, or on the date of the official declaration of the  
26 vote thereon by the governor, whichever is later."

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