

CHAPTER 259

INSURANCE

HOUSE BILL 01-1156

BY REPRESENTATIVE(S) Lawrence, Snook, Weddig, Chavez, Hefley, Stengel, Tochtrop, White, Witwer, Bacon, Borodkin, Boyd, Dean, Garcia, Groff, Mace, Madden, Marshall, Romanoff, Saliman, and Williams S.; also SENATOR(S) Hernandez, Fitz-Gerald, Gordon, Hanna, Pascoe, Takis, Tate, and Windels.

AN ACT

CONCERNING MANDATORY INSURANCE COVERAGE FOR MEDICAL FOODS FOR PERSONS WITH INHERITED METABOLIC DISORDERS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 10-16-104 (1) (c) (I), Colorado Revised Statutes, is amended, and the said 10-16-104 (1) (c) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

10-16-104. Mandatory coverage provisions. (1) Newborn children. (c) (I) Except as provided for cleft lip and cleft palate coverage in sub-subparagraph (A) of subparagraph (II) of this paragraph (c) AND FOR INHERITED ENZYMATIC DISORDERS CAUSED BY SINGLE GENE DEFECTS INVOLVED IN THE METABOLISM OF AMINO, ORGANIC, AND FATTY ACIDS AND FOR WHICH MEDICALLY STANDARD METHODS OF DIAGNOSIS, TREATMENT, AND MONITORING EXIST PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (III) OF THIS PARAGRAPH (c), the benefits available to newborn children shall consist of coverage of injury or sickness, including all medically necessary care and treatment of medically diagnosed congenital defects and birth abnormalities for the first thirty-one days of the newborn's life, notwithstanding policy limitations and exclusions applicable to other conditions or procedures covered by the policy. Except as provided in sub-subparagraph (C) of subparagraph (II) of this paragraph (c), such coverage shall be subject to copayment, deductible, and aggregate dollar policy maximums that are no higher than are generally applicable under the policy to all other sicknesses, diseases, and conditions otherwise covered under the policy.

(III) (A) COVERAGE FOR INHERITED ENZYMATIC DISORDERS CAUSED BY SINGLE GENE DEFECTS INVOLVED IN THE METABOLISM OF AMINO, ORGANIC, AND FATTY ACIDS

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING DIAGNOSED CONDITIONS: PHENYLKETONURIA; MATERNAL PHENYLKETONURIA; MAPLE SYRUP URINE DISEASE; TYROSINEMIA; HOMOCYSTEINURIA; HISTIDINEMIA; UREA CYCLE DISORDERS; HYPERLYSINEMIA; GLUTARIC ACIDEMIAS; METHYLMALONIC ACIDEMIA; AND PROPIONIC ACIDEMIA. COVERED CARE AND TREATMENT OF SUCH CONDITIONS SHALL INCLUDE, TO THE EXTENT MEDICALLY NECESSARY, MEDICAL FOODS FOR HOME USE FOR WHICH A PHYSICIAN WHO IS A PARTICIPATING PROVIDER HAS ISSUED A WRITTEN, ORAL, OR ELECTRONIC PRESCRIPTION.

(B) THERE IS NO AGE LIMIT ON BENEFITS FOR INHERITED ENZYMATIC DISORDERS SPECIFIED IN SUB-SUBPARAGRAPH (A) OF THIS PARAGRAPH (III) EXCEPT FOR PHENYLKETONURIA. THE MAXIMUM AGE TO RECEIVE BENEFITS FOR PHENYLKETONURIA IS TWENTY-ONE YEARS OF AGE; EXCEPT THAT THE MAXIMUM AGE TO RECEIVE BENEFITS FOR PHENYLKETONURIA FOR WOMEN WHO ARE OF CHILD-BEARING AGE IS THIRTY-FIVE YEARS OF AGE.

(C) AS USED IN THIS SUBPARAGRAPH (III), "MEDICAL FOODS" MEANS PRESCRIPTION METABOLIC FORMULAS AND THEIR MODULAR COUNTERPARTS, OBTAINED THROUGH A PHARMACY, THAT ARE SPECIFICALLY DESIGNATED AND MANUFACTURED FOR THE TREATMENT OF INHERITED ENZYMATIC DISORDERS CAUSED BY SINGLE GENE DEFECTS INVOLVED IN THE METABOLISM OF AMINO, ORGANIC, AND FATTY ACIDS AND FOR WHICH MEDICALLY STANDARD METHODS OF DIAGNOSIS, TREATMENT, AND MONITORING EXIST. SUCH FORMULAS ARE SPECIFICALLY PROCESSED OR FORMULATED TO BE DEFICIENT IN ONE OR MORE NUTRIENTS AND ARE TO BE CONSUMED OR ADMINISTERED ENTERALLY EITHER VIA TUBE OR ORAL ROUTE UNDER THE DIRECTION OF A PHYSICIAN WHO IS A PARTICIPATING PROVIDER. THIS SUB-SUBPARAGRAPH (C) SHALL NOT BE CONSTRUED TO APPLY TO CYSTIC FIBROSIS PATIENTS OR LACTOSE- OR SOY-INTOLERANT PATIENTS.

(D) COVERAGE OF MEDICAL FOODS, AS PROVIDED UNDER THIS SUBPARAGRAPH (III), SHALL ONLY APPLY TO INSURANCE PLANS THAT INCLUDE AN APPROVED PHARMACY BENEFIT AND SHALL NOT APPLY TO ALTERNATIVE MEDICINES. SUCH COVERAGE SHALL ONLY BE AVAILABLE THROUGH PARTICIPATING PHARMACY PROVIDERS. NOTHING IN THIS SUBPARAGRAPH (III) SHALL BE CONSTRUED AS PREVENTING A CARRIER FROM IMPOSING DEDUCTIBLES, COINSURANCE, OR OTHER COST-SHARING METHODS.

SECTION 2. Effective date - applicability. (1) This act shall take effect January 1, 2002, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to health coverage plans issued or renewed on or after the applicable effective date of this act.

Approved: June 4, 2001