

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 536

H.P. 401

House of Representatives, February 14, 1995

**An Act to Require Insurers to Reimburse Insureds with Inborn Errors of Metabolism.**

(EMERGENCY)

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Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BRENNAN of Portland.

Cosponsored by Representatives: CHASE of China, DAVIDSON of Brunswick, GATES of Rockport, MITCHELL of Vassalboro, MITCHELL of Portland, PLOWMAN of Hampden, STEVENS of Orono, TOWNSEND of Portland, Senator: McCORMICK of Kennebec.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

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6           **Whereas,** individuals with inborn errors of metabolism  
require metabolic formula and special modified low-protein food  
products for their health; and

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10           **Whereas,** insurers are not required to cover the costs of  
metabolic formula and special modified low-protein food products  
and the costs of these are overly burdensome on those who have  
12 inborn errors of metabolism; and

14           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
16 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
18 safety; now, therefore,

20           **Be it enacted by the People of the State of Maine as follows:**

22           **Sec. 1. 24 MRSA §2320-C is enacted to read:**

24           **§2320-C. Medical food coverage for inborn error of metabolism**

26           **1. Inborn error of metabolism; special modified low-protein**  
**food product.** As used in this section, "inborn error of  
28 metabolism" means a genetically determined biochemical disorder  
in which a specific enzyme defect produces a metabolic block that  
30 may have pathogenic consequences at birth or later in life. As  
used in this section, "special modified low-protein food product"  
32 means food formulated to reduce the protein content to less than  
one gram of protein per serving and does not include foods  
34 naturally low in protein.

36           **2. Required coverage.** All individual and group nonprofit  
38 medical services plan contracts and all nonprofit health care  
plan contracts must provide coverage for metabolic formula and  
special modified low-protein food products that have been ordered  
40 by a licensed physician for a person with an inborn error of  
metabolism. The policies must reimburse:

42           A. For metabolic formula; and

44           B. Up to \$3,000 per year for special modified low-protein  
46 food products.

48           **Sec. 2. 24-A MRSA §2745-C is enacted to read:**

50           **§2745-C. Medical food coverage for inborn error of metabolism**

2           1. Inborn error of metabolism; special modified low-protein  
3 food product. As used in this section, "inborn error of  
4 metabolism" means a genetically determined biochemical disorder  
5 in which a specific enzyme defect produces a metabolic block that  
6 may have pathogenic consequences at birth or later in life. As  
7 used in this section, "special modified low-protein food product"  
8 means food formulated to reduce the protein content to less than  
9 one gram of protein per serving and does not include foods  
10 naturally low in protein.

12           2. Required coverage. All individual insurance policies or  
13 plans must provide coverage for metabolic formula and special  
14 modified low-protein food products that have been ordered by a  
15 licensed physician for a person with an inborn error of  
16 metabolism. The policies must reimburse:

18           A. For metabolic formula; and

20           B. Up to \$3,000 per year for special modified low-protein  
21 food products.

22           Sec. 3. 24-A MRSA §2837-C is enacted to read:

24           §2837-C. Medical food coverage for inborn error of metabolism

26           1. Inborn error of metabolism; special modified low-protein  
27 food product. As used in this section, "inborn error of  
28 metabolism" means a genetically determined biochemical disorder  
29 in which a specific enzyme defect produces a metabolic block that  
30 may have pathogenic consequences at birth or later in life. As  
31 used in this section, "special modified low-protein food product"  
32 means food formulated to reduce the protein content to less than  
33 one gram of protein per serving and does not include foods  
34 naturally low in protein.

36           2. Required coverage. All group insurance policies must  
37 provide coverage for metabolic formula and special modified  
38 low-protein food products that have been ordered by a licensed  
39 physician for a person with an inborn error of metabolism. The  
40 policies must reimburse:

42           A. For metabolic formula; and

44           B. Up to \$3,000 per year for special modified low-protein  
45 food products.

48           Sec. 4. 24-A MRSA §4237 is enacted to read:

50           §4237. Medical food coverage for inborn error of metabolism

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1. Inborn error of metabolism; special modified low-protein food product. As used in this section, "inborn error of metabolism" means a genetically determined biochemical disorder in which a specific enzyme defect produces a metabolic block that may have pathogenic consequences at birth or later in life. As used in this section, "special modified low-protein food product" means food formulated to reduce the protein content to less than one gram of protein per serving and does not include foods naturally low in protein.

2. Required coverage. All health maintenance organization individual and group contracts must provide coverage for metabolic formula and special modified low-protein food products that have been ordered by a licensed physician for a person with an inborn error of metabolism. The policies must reimburse:

- A. For metabolic formula; and
- B. Up to \$3,000 per year for special modified low-protein food products.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

**STATEMENT OF FACT**

This bill requires all health insurance policies in the State to reimburse for the costs of metabolic formula and special modified low-protein food products ordered by a physician for persons with inborn errors of metabolism, like Phenylketonuria.