

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1016

S.P. 308

In Senate, February 11, 1997

An Act to Amend the Laws Pertaining to Infant Formulas.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GOLDTHWAIT of Hancock.
Cosponsored by Representative: PLOWMAN of Hampden.

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

Sec. 1. 24 MRSA §2320-D, as renumbered by RR 1995, c. 1, §13, is amended to read:

§2320-D. Medical food coverage for inborn error of metabolism and protein intolerance

1. **Inborn error of metabolism; special modified low-protein food product; protein intolerance.** 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. As used in this section, "protein intolerance" means an inability to fully digest protein that affects a person's normal physical and mental development and is manifested in symptoms including, but not limited to, diarrhea and vomiting.

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

A. For metabolic formula; and

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

2-A. Required coverage for protein intolerance. All individual and group nonprofit medical services plan policies and contracts and all nonprofit health care plan policies and contracts must provide coverage for infant formula prescribed by a licensed physician specializing in pediatric gastroenterology for a person with protein intolerance. The policies and contracts must reimburse for the cost of the infant formula prescribed by the physician.

3. **Application.** The Except for subsection 2-A, the requirements of this section apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1996. The requirements of subsection 2-A apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1998. For purposes of this section, all contracts are deemed to be

renewed no later than the next yearly anniversary of the contract date.

Sec. 2. 24-A MRSA §2745-D, as renumbered by RR 1995, c. 1, §15, is amended to read:

§2745-D. Medical food coverage for inborn error of metabolism and protein intolerance

1. **Inborn error of metabolism; special modified low-protein food product; protein intolerance.** 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. As used in this section, "protein intolerance" means an inability to fully digest protein that affects a person's normal physical and mental development and is manifested in symptoms including, but not limited to, diarrhea and vomiting.

2. **Required coverage.** All individual insurance policies and contracts, except accidental injury, specified disease, hospital indemnity, Medicare supplement, long-term care and other limited benefit health insurance policies and contracts, must provide coverage for metabolic formula and special modified low-protein food products that have been prescribed by a licensed physician for a person with an inborn error of metabolism. The policies and contracts must reimburse:

A. For metabolic formula; and

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

2-A. Required coverage for protein intolerance. All individual insurance policies and contracts, except accidental injury, specified disease, hospital indemnity, Medicare supplement, long-term care and other limited benefit health insurance policies and contracts, must provide coverage for infant formula prescribed by a licensed physician specializing in pediatric gastroenterology for a person with protein intolerance. The policies and contracts must reimburse for the cost of the infant formula prescribed by the physician.

3. **Application.** The Except for subsection 2-A, the requirements of this section apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 1996. The requirements of subsection 2-A apply to all policies, contracts

2 and certificates executed, delivered, issued for delivery,
3 continued or renewed in this State on or after January 1, 1998.
4 For purposes of this section, all contracts are deemed to be
5 renewed no later than the next yearly anniversary of the contract
6 date.

7 **Sec. 3. 24-A MRSA §2837-D**, as renumbered by RR 1995, c. 1,
8 §17, is amended to read:

10 **§2837-D. Medical food coverage for inborn error of metabolism and**
11 **protein intolerance**

12
13 1. **Inborn error of metabolism; special modified low-protein**
14 **food product; protein intolerance.** As used in this section,
15 "inborn error of metabolism" means a genetically determined
16 biochemical disorder in which a specific enzyme defect produces a
17 metabolic block that may have pathogenic consequences at birth or
18 later in life. As used in this section, "special modified
19 low-protein food product" means food formulated to reduce the
20 protein content to less than one gram of protein per serving and
21 does not include foods naturally low in protein. As used in this
22 section, "protein intolerance" means an inability to fully digest
23 protein that affects a person's normal physical and mental
24 development and is manifested in symptoms including, but not
25 limited to, diarrhea and vomiting.

26
27 2. **Required coverage.** All group insurance policies and
28 contracts, except accidental injury, specified disease, hospital
29 indemnity, Medicare supplement, long-term care and other limited
30 benefit health insurance policies and contracts, must provide
31 coverage for metabolic formula and special modified low-protein
32 food products that have been prescribed by a licensed physician
33 for a person with an inborn error of metabolism. The policies
34 and contracts must reimburse:

35 A. For metabolic formula; and

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

38
39 2-A. Required coverage for protein intolerance. All group
40 insurance policies and contracts, except accidental injury,
41 specified disease, hospital indemnity, Medicare supplement,
42 long-term care and other limited benefit health insurance
43 policies and contracts, must provide coverage for infant formula
44 prescribed by a licensed physician specializing in pediatric
45 gastroenterology for a person with protein intolerance. The
46 policies and contracts must reimburse for the cost of the infant
47 formula prescribed by the physician.

48
49 3. **Application.** The Except for subsection 2-A, the
50 requirements of this section apply to all policies, contracts and
51 contracts.

2 certificates executed, delivered, issued for delivery, continued
or renewed in this State on or after January 1, 1996. The
4 requirements of subsection 2-A apply to all policies, contracts
and certificates executed, delivered, issued for delivery,
6 continued or renewed in this State on or after January 1, 1998.
For purposes of this section, all contracts are deemed to be
8 renewed no later than the next yearly anniversary of the contract
date.

10 **Sec. 4. 24-A MRSA §4238, sub-§1,** as enacted by PL 1995, c.
369, §4, is amended to read:

12
14 **1. Inborn error of metabolism; special modified low-protein**
food product; protein intolerance. As used in this section,
16 "inborn error of metabolism" means a genetically determined
biochemical disorder in which a specific enzyme defect produces a
18 metabolic block that may have pathogenic consequences at birth or
later in life. As used in this section, "special modified
20 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. As used in this
22 section, "protein intolerance" means an inability to fully digest
protein that affects a person's normal physical and mental
24 development and is manifested in symptoms including, but not
limited to, diarrhea and vomiting.

26
28 **Sec. 5. 24-A MRSA §4238, sub-§2-A** is enacted to read.

30 **2-A. Required coverage for protein intolerance.** All health
maintenance organization individual and group contracts must
32 provide coverage for infant formula prescribed by a licensed
physician specializing in pediatric gastroenterology for a person
34 with protein intolerance. The policies and contracts must
reimburse for the cost of the infant formula prescribed by the
36 physician.

38 **Sec. 6. 24-A MRSA §4238, sub-§3,** as enacted by PL 1995, c.
369, §4, is amended to read:

40 **3. Application.** The Except for subsection 2-A, the
requirements of this section apply to all policies, contracts and
42 certificates executed, delivered, issued for delivery, continued
or renewed in this State on or after January 1, 1996. The
44 requirements of subsection 2-A apply to all policies, contracts
and certificates executed, delivered, issued for delivery,
46 continued or renewed in this State on or after January 1, 1998.
For purposes of this section, all contracts are deemed to be
48 renewed no later than the next yearly anniversary of the contract
date.

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SUMMARY

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4 This bill expands the requirement that all individual and
6 group insurance policies and contracts provide coverage for
8 metabolic formula and medical food for inborn errors of
10 metabolism to include coverage for infant formula prescribed for
 persons with protein intolerance.

 The bill applies to policies and contracts in effect on or
after January 1, 1998.