

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Date: 5/13/19

(Filing No. H-283)

Minority

INSURANCE AND FINANCIAL SERVICES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 533, L.D. 782, Bill, "An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention Measures and Products"

Amend the bill by striking out the title and substituting the following:

'An Act To Require Health Insurers To Provide Coverage for Certain Medically Necessary Liquid Nutrition Therapy'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 24-A MRSA §4316 is enacted to read:

§4316. Coverage for liquid nutrition therapy

1. Required coverage. A carrier shall provide coverage and reimburse for liquid nutrition therapy for home use that is medically necessary health care as defined in section 4301-A, subsection 10-A and prescribed by the enrollee's physician. A licensed physician may be required to confirm and document ongoing medical necessity at least annually.

2. Required diagnosis. Coverage for liquid nutrition therapy must be provided when proven effective as a disease-specific regimen for an enrollee diagnosed through medical evaluation with a chronic illness or condition, including but not limited to:

- A. Crohn's disease;
B. Disorders of gastrointestinal motility such as chronic intestinal pseudo-obstruction;
C. Gastroesophageal reflux disease with failure to thrive;
D. Severe food allergies that if left untreated will cause malnourishment, chronic physical disability, mental retardation or death; or
E. Fibromyalgia.

COMMITTEE AMENDMENT

R. 4 of 6

1 **3. Application.** The requirements of this section apply to all policies, contracts and
2 certificates executed, delivered, issued for delivery, continued or renewed in this State.
3 For purposes of this section, all contracts are deemed to be renewed no later than the next
4 yearly anniversary of the contract date.

5 **Sec. 2. Application.** The requirements of this Act apply to all policies, contracts
6 and certificates executed, delivered, issued for delivery, continued or renewed in this
7 State on or after January 1, 2010. For purposes of this Act, all contracts are deemed to be
8 renewed no later than the next yearly anniversary of the contract date.

9 **Sec. 3. Exempt from Bureau of Insurance review.** Notwithstanding the
10 Maine Revised Statutes, Title 24-A, section 2752, this Act is enacted without review and
11 evaluation by the Department of Professional and Financial Regulation, Bureau of
12 Insurance.

13 **Sec. 4. Appropriations and allocations.** The following appropriations and
14 allocations are made.

15 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
16 **Salary Plan 0305**

17 Initiative: Appropriates and allocates funds for the additional costs of health insurance to
18 the State resulting from the requirement to provide coverage for medically necessary
19 liquid nutrition therapy for persons with a chronic illness.

20	GENERAL FUND	2009-10	2010-11
21	Personal Services	\$0	\$85,244
22			
23	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$85,244</u>

24	HIGHWAY FUND	2009-10	2010-11
25	Personal Services	\$0	\$33,937
26			
27	HIGHWAY FUND TOTAL	<u>\$0</u>	<u>\$33,937</u>

28

29 **SUMMARY**

30 This amendment replaces the bill and is the minority report of the committee. The
31 amendment requires health insurance coverage for medically necessary liquid nutrition
32 therapy for persons with chronic illnesses. The amendment applies to all individual and
33 group policies issued or renewed on or after January 1, 2010.

34 This amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 782

LR 1428(02)

An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention Measures and Products

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Insurance and Financial Services

Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Net Cost (Savings)				
General Fund	\$0	\$85,244	\$90,358	\$95,780
Highway Fund	\$0	\$33,937	\$35,973	\$38,131
Appropriations/Allocations				
General Fund	\$0	\$85,244	\$90,358	\$95,780
Highway Fund	\$0	\$33,937	\$35,973	\$38,131

Fiscal Detail and Notes

Requiring coverage for medically necessary liquid nutrition therapy for persons with a chronic illness will increase health insurance premium costs to the State effective with the contract year beginning July 1, 2010. The additional employer costs across all funds to the state employee health insurance program is estimated to be approximately \$198,000 for fiscal year 2010-11.

A General Fund appropriation of \$85,244 in 2010-11 and a Highway Fund allocation of \$33,937 in 2010-1 are included for the salary plan reserve accounts to fund increases for General Fund and Highway Fund employees. The costs for employees paid by other funds, including a small amount for the Fund for a Healthy Maine, may require increased allocations as recommended by the State Budget Officer and approved by the Governor.

Any additional costs to the Bureau of Insurance in the Department of Professional and Financial Regulation in implementing this legislation can be absorbed by the bureau within existing budget resources. This fiscal note does not reflect the additional costs to the private health insurance market.