

2287

2013-2014 Regular Sessions

I N S E N A T E

January 15, 2013

Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring certain health insurance policies to include coverage for the cost of enteral formulas for the treatment of eosinophilic esophagitis and related eosinophilic disorders

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as  
2 "Hannah's law".

3 S 2. Paragraph 21 of subsection (i) of section 3216 of the insurance  
4 law, as added by chapter 177 of the laws of 1997, is amended to read as  
5 follows:

6 (21) Every policy which provides coverage for prescription drugs shall  
7 include coverage for the cost of enteral formulas for home use, WHETHER  
8 ADMINISTERED ORALLY OR VIA TUBE FEEDING, for which a physician or other  
9 licensed health care provider legally authorized to prescribe under  
10 title eight of the education law has issued a written order. Such writ-  
11 ten order shall state that the enteral formula is clearly medically  
12 necessary and has been proven effective as a disease-specific treatment  
13 regimen for those individuals who are or will become malnourished or  
14 suffer from disorders, which if left untreated, cause chronic physical  
15 disability, mental retardation or death. Specific diseases for which  
16 enteral formulas have been proven effective shall include, but are not  
17 limited to, inherited diseases of amino acid or organic acid metabolism;  
18 Crohn's Disease; EOSINOPHILIC ESOPHAGITIS AND RELATED EOSINOPHILIC  
19 DISORDERS; gastroesophageal reflux with failure to thrive; disorders of  
20 gastrointestinal motility such as chronic intestinal pseudo-obstruction;  
21 and multiple, severe food allergies which if left untreated will cause  
22 malnourishment, chronic physical disability, mental retardation or  
23 death. Enteral formulas which are medically necessary and taken under

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD05057-01-3

1 written order from a physician for the treatment of specific diseases  
2 shall be distinguished from nutritional supplements taken electively.  
3 Coverage for certain inherited diseases of amino acid and organic acid  
4 metabolism shall include modified solid food products that are low  
5 protein or which contain modified protein which are medically necessary,  
6 and such coverage for such modified solid food products for any calendar  
7 year or for any continuous period of twelve months for any insured indi-  
8 vidual shall not exceed two thousand five hundred dollars.

9 S 3. Paragraph 11 of subsection (k) of section 3221 of the insurance  
10 law, as added by chapter 177 of the laws of 1997, is amended to read as  
11 follows:

12 (11) Every policy which provides coverage for prescription drugs shall  
13 include coverage for the cost of enteral formulas for home use, WHETHER  
14 ADMINISTERED ORALLY OR VIA TUBE FEEDING, for which a physician or other  
15 licensed health care provider legally authorized to prescribe under  
16 title eight of the education law has issued a written order. Such writ-  
17 ten order shall state that the enteral formula is clearly medically  
18 necessary and has been proven effective as a disease-specific treatment  
19 regimen for those individuals who are or will become malnourished or  
20 suffer from disorders, which if left untreated, cause chronic physical  
21 disability, mental retardation or death. Specific diseases for which  
22 enteral formulas have been proven effective shall include, but are not  
23 limited to, inherited diseases of amino-acid or organic acid metabolism;  
24 Crohn's Disease; EOSINOPHILIC ESOPHAGITIS AND RELATED EOSINOPHILIC  
25 DISORDERS; gastroesophageal reflux with failure to thrive; disorders of  
26 gastrointestinal motility such as chronic intestinal pseudo-obstruction;  
27 and multiple, severe food allergies which if left untreated will cause  
28 malnourishment, chronic physical disability, mental retardation or  
29 death. Enteral formulas which are medically necessary and taken under  
30 written order from a physician for the treatment of specific diseases  
31 shall be distinguished from nutritional supplements taken electively.  
32 Coverage for certain inherited diseases of amino acid and organic acid  
33 metabolism shall include modified solid food products that are low  
34 protein or which contain modified protein which are medically necessary,  
35 and such coverage for such modified solid food products for any calendar  
36 year or for any continuous period of twelve months for any insured indi-  
37 vidual shall not exceed two thousand five hundred dollars.

38 S 4. Subsection (y) of section 4303 of the insurance law, as added by  
39 chapter 177 of the laws of 1997, is amended to read as follows:

40 (y) Every contract which provides coverage for prescription drugs  
41 shall include coverage for the cost of enteral formulas for home use,  
42 WHETHER ADMINISTERED ORALLY OR VIA TUBE FEEDING, for which a physician  
43 or other licensed health care provider legally authorized to prescribe  
44 under title eight of the education law has issued a written order. Such  
45 written order shall state that the enteral formula is clearly medically  
46 necessary and has been proven effective as a disease-specific treatment  
47 regimen for those individuals who are or will become malnourished or  
48 suffer from disorders, which if left untreated, cause chronic disabili-  
49 ty, mental retardation or death. Specific diseases for which enteral  
50 formulas have been proven effective shall include, but are not limited  
51 to, inherited diseases of amino-acid or organic acid metabolism; Crohn's  
52 Disease; EOSINOPHILIC ESOPHAGITIS AND RELATED EOSINOPHILIC DISORDERS;  
53 gastroesophageal reflux with failure to thrive; disorders of gastroin-  
54 testinal motility such as chronic intestinal pseudo-obstruction; and  
55 multiple, severe food allergies which if left untreated will cause maln-  
56 ourishment, chronic physical disability, mental retardation or death.

1 Enteral formulas which are medically necessary and taken under written  
2 order from a physician for the treatment of specific diseases shall be  
3 distinguished from nutritional supplements taken electively. Coverage  
4 for certain inherited diseases of amino acid and organic acid metabolism  
5 shall include modified solid food products that are low protein, or  
6 which contain modified protein which are medically necessary, and such  
7 coverage for such modified solid food products for any calendar year or  
8 for any continuous period of twelve months for any insured individual  
9 shall not exceed two thousand five hundred dollars.

10 S 5. The opening paragraph of paragraph 25 of subsection (b) of  
11 section 4322 of the insurance law, as amended by chapter 554 of the laws  
12 of 2002, is amended to read as follows:

13 Prescription drugs, including contraceptive drugs or devices approved  
14 by the federal food and drug administration or generic equivalents  
15 approved as substitutes by such food and drug administration and nutri-  
16 tional supplements (formulas), WHETHER ADMINISTERED ORALLY OR VIA A  
17 FEEDING TUBE for the therapeutic treatment of phenylketonuria, branched-  
18 chain ketonuria, galactosemia, EOSINOPHILIC ESOPHAGITIS AND RELATED  
19 EOSINOPHILIC DISORDERS, and homocystinuria, obtained at a participating  
20 pharmacy under a prescription written by an in-plan or out-of-plan  
21 provider. Health maintenance organizations, in addition to providing  
22 coverage for prescription drugs at a participating pharmacy, may utilize  
23 a mail order prescription drug program. Health maintenance organizations  
24 may provide prescription drugs pursuant to a drug formulary; however,  
25 health maintenance organizations must implement an appeals process so  
26 that the use of non-formulary prescription drugs may be requested by a  
27 physician or other provider.

28 S 6. This act shall take effect on the first of January next succeed-  
29 ing the date on which it shall have become a law and shall apply to all  
30 policies and contracts issued, renewed, modified, altered, or amended on  
31 or after such date.