

# STATE OF NEW YORK

8924

## IN SENATE

June 5, 2018

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

AN ACT to amend the insurance law, in relation to insurance coverage for enteral formula

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph 21 of subsection (i) of section 3216 of the insurance law, as amended by chapter 388 of the laws of 2013, is amended to read as follows:

(21) Every policy which provides coverage for prescription drugs shall include coverage for the cost of enteral formulas for home use, whether administered orally or via tube feeding, for which a physician or other licensed health care provider legally authorized to prescribe under title eight of the education law has issued a written order. Such written order shall state that the enteral formula is clearly medically necessary and has been proven effective as a disease-specific treatment regimen [~~for those individuals who are or will become malnourished or suffer from disorders, which if left untreated, cause chronic physical disability, mental retardation or death~~]. Specific diseases and disorders for which enteral formulas have been proven effective shall include, but are not limited to, inherited diseases of amino acid or organic acid metabolism; Crohn's Disease; gastroesophageal reflux [~~with failure to thrive~~]; disorders of gastrointestinal motility such as chronic intestinal pseudo-obstruction; and multiple, severe food allergies [~~which if left untreated will cause malnourishment, chronic physical disability, mental retardation or death~~] including, but not limited to immunoglobulin E and nonimmunoglobulin E-mediated allergies to multiple food proteins; severe food protein induced enterocolitis syndrome; eosinophilic disorders; and impaired absorption of nutrients caused by disorders affecting the absorptive surface, function, length, and motility of the gastrointestinal tract. Enteral formulas which are medically necessary and taken under written order from a physician for the treatment of specific diseases shall be distinguished from nutritional supplements taken electively. Coverage for certain inherited diseases of

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

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1 amino acid and organic acid metabolism as well as severe protein aller-  
2 gic conditions shall include modified solid food products that are low  
3 protein or which contain modified protein, or are amino acid based which  
4 are medically necessary, and such coverage for such modified solid food  
5 products for any calendar year or for any continuous period of twelve  
6 months for any insured individual shall not exceed two thousand five  
7 hundred dollars.

8 § 2. Paragraph 11 of subsection (k) of section 3221 of the insurance  
9 law, as amended by chapter 388 of the laws of 2013, is amended to read  
10 as follows:

11 (11) Every policy which provides coverage for prescription drugs shall  
12 include coverage for the cost of enteral formulas for home use, whether  
13 administered orally or via tube feeding, for which a physician or other  
14 licensed health care provider legally authorized to prescribe under  
15 title eight of the education law has issued a written order. Such writ-  
16 ten order shall state that the enteral formula is clearly medically  
17 necessary and has been proven effective as a disease-specific treatment  
18 regimen [~~for those individuals who are or will become malnourished or~~  
19 ~~suffer from disorders, which if left untreated, cause chronic physical~~  
20 ~~disability, mental retardation or death~~]. Specific diseases and disor-  
21 ders for which enteral formulas have been proven effective shall  
22 include, but are not limited to, inherited diseases of amino-acid or  
23 organic acid metabolism; Crohn's Disease; gastroesophageal reflux [~~with~~  
24 ~~failure to thrive~~]; disorders of gastrointestinal motility such as  
25 chronic intestinal pseudo-obstruction; and multiple, severe food aller-  
26 gies [~~which if left untreated will cause malnourishment, chronic phys-~~  
27 ~~ical disability, mental retardation or death~~] including, but not limited  
28 to immunoglobulin E and nonimmunoglobulin E-mediated allergies to multi-  
29 ple food proteins; severe food protein induced enterocolitis syndrome;  
30 eosinophilic disorders and impaired absorption of nutrients caused by  
31 disorders affecting the absorptive surface, function, length, and motil-  
32 ity of the gastrointestinal tract. Enteral formulas which are medically  
33 necessary and taken under written order from a physician for the treat-  
34 ment of specific diseases shall be distinguished from nutritional  
35 supplements taken electively. Coverage for certain inherited diseases of  
36 amino acid and organic acid metabolism as well as severe protein aller-  
37 gic conditions shall include modified solid food products that are low  
38 protein or which contain modified protein, or are amino acid based which  
39 are medically necessary, and such coverage for such modified solid food  
40 products for any calendar year or for any continuous period of twelve  
41 months for any insured individual shall not exceed two thousand five  
42 hundred dollars.

43 § 3. Subsection (y) of section 4303 of the insurance law, as amended  
44 by chapter 388 of the laws of 2013, is amended to read as follows:

45 (y) Every contract which provides coverage for prescription drugs  
46 shall include coverage for the cost of enteral formulas for home use,  
47 whether administered orally or via tube feeding, for which a physician  
48 or other licensed health care provider legally authorized to prescribe  
49 under title eight of the education law has issued a written order. Such  
50 written order shall state that the enteral formula is clearly medically  
51 necessary and has been proven effective as a disease-specific treatment  
52 regimen [~~for those individuals who are or will become malnourished or~~  
53 ~~suffer from disorders, which if left untreated, cause chronic disabili-~~  
54 ~~ty, mental retardation or death~~]. Specific diseases and disorders for  
55 which enteral formulas have been proven effective shall include, but are  
56 not limited to, inherited diseases of amino-acid or organic acid meta-

1 bolism; Crohn's Disease; gastroesophageal reflux [~~with failure to~~  
2 ~~thrive~~]; disorders of gastrointestinal motility such as chronic intesti-  
3 nal pseudo-obstruction; and multiple, severe food allergies [~~which if~~  
4 ~~left untreated will cause malnourishment, chronic physical disability,~~  
5 ~~mental retardation or death~~] including, but not limited to immunoglobu-  
6 lin E and nonimmunoglobulin E-mediated allergies to multiple food prote-  
7 ins; severe food protein induced enterocolitis syndrome; eosinophilic  
8 disorders; and impaired absorption of nutrients caused by disorders  
9 affecting the absorptive surface, function, length, and motility of the  
10 gastrointestinal tract. Enteral formulas which are medically necessary  
11 and taken under written order from a physician for the treatment of  
12 specific diseases shall be distinguished from nutritional supplements  
13 taken electively. Coverage for certain inherited diseases of amino acid  
14 and organic acid metabolism as well as severe protein allergic condi-  
15 tions shall include modified solid food products that are low protein,  
16 or which contain modified protein, or are amino acid based which are  
17 medically necessary, and such coverage for such modified solid food  
18 products for any calendar year or for any continuous period of twelve  
19 months for any insured individual shall not exceed two thousand five  
20 hundred dollars.

21 § 4. This act shall take effect on the first of January next succeed-  
22 ing the date on which it shall have become a law and shall apply to all  
23 policies and contracts issued, renewed, modified, altered, or amended on  
24 or after such date.