



## DRAFT BILL

*To Ensure that Infants and Children Affected by Certain Clinical Conditions Receive the Proper Medically Required Nutrition in Order to Sustain Life*

### Section 1. Short Title

This act shall be called the “Infant and Children’s Health Initiative”

### Section 2. Findings

(A) **Findings**—The legislature finds that:

1. Children in the state of (STATE NAME) are born every year with gastrointestinal disorders such as Gastrointestinal Reflux Disease (GERD), multiple severe food protein allergies, Eosinophilic Esophagitis (EE), and others, which either prevent proper digestion or result in negative reaction to certain natural milk or soy products, formulas, and multiple foods;
2. These above listed conditions and others create a situation where a natural sustained existence is virtually impossible and threaten a child’s ability to thrive;
3. As many of these children are unable to process essential specific naturally occurring nutrients (e.g. whole milk proteins), parents, at the advice and direction of a licensed health care professional, must seek enteral or oral elemental formulas, such as amino acid modified formulas and other specialized formulas to provide proper and medically necessary nutrition;
4. Said amino acid-based elemental formulas and food products are widely available but expensive in nature due, in part, to complex scientific manufacturing processes, cost of raw materials and product quality assurance required for these at-risk individuals;
5. Health insurance policies currently only cover the cost of specialized amino acid-based elemental formulas when administered by tube feeding for the most at-risk individuals, even though tube feeding is not always the least medically invasive or most cost effective option available;
6. Proper infant and child nutrition significantly reduces digestion problems, resolves the severe negative reaction to food protein allergens and other developmental and physical conditions as well as the need for future, more expensive medical treatments;
7. Medicaid covers the cost of the aforementioned formulas and food products;
8. The State of (STATE NAME) is committed to give each and every child, regardless of consequence proper nutrition and high quality of life;

### Section 3. Purpose

(B) **Purpose**—

Each hospital, medical service corporation, health insurance corporation, health maintenance organization, or non profit group providing a prescriptions drug benefit, or reimbursement for healthcare costs under the common name of “coverage,” or providing a “health care policy” of the type specified in SECTION XXXX delivered, issued for delivery or renewed in this state on or after DATE, must provide coverage and reimbursement for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of Immunoglobulin E and non Immunoglobulin E mediated allergies to multiple food proteins, food protein induced enterocolitis syndrome, eosinophilic disorders, and impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, and motility of the gastrointestinal tract, when the ordering physician has issued a written order stating that the amino acid-based elemental formula is medically necessary for the treatment of a disease or disorder.