

1.1 A bill for an act
1.2 relating to insurance; requiring coverage for amino-acid-based elemental
1.3 formulas; amending Minnesota Statutes 2006, sections 62A.26; 256B.0625, by
1.4 adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 62A.26, is amended to read:

1.7 **62A.26 COVERAGE FOR PHENYLKETONURIA TREATMENT CERTAIN**
1.8 **DIETARY FORMULAS.**

1.9 Subdivision 1. **Scope of coverage.** This section applies to all policies of accident
1.10 and health insurance regulated under this chapter, health maintenance contracts regulated
1.11 under chapter 62D, health benefit certificates offered through a fraternal benefit society
1.12 regulated under chapter 64B, and ~~group~~ subscriber contracts offered by nonprofit health
1.13 service plan corporations regulated under chapter 62C, but does not apply to policies
1.14 designed primarily to provide coverage payable on a per diem, fixed indemnity or
1.15 nonexpense incurred basis, or policies that provide only accident coverage.

1.16 Subd. 2. **Required coverage for special dietary formulas for inborn errors**
1.17 **of metabolism.** Every policy, plan, certificate, or contract referred to in subdivision
1.18 ~~1 issued or renewed after August 1, 1985~~, must provide coverage for special dietary
1.19 formulas essential to the treatment of inborn errors of metabolism, including treatment
1.20 for phenylketonuria when recommended by a physician.

1.21 Subd. 3. **Required coverage for amino-acid-based elemental formulas for**
1.22 **certain conditions.** (a) Every policy, plan, certificate, or contract referred to in subdivision
1.23 1 must provide coverage for amino-acid-based elemental formulas when ordered by a
1.24 physician for diagnosed cases of cystic fibrosis; amino acid, organic acid, and fatty

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2.1 acid metabolic and malabsorption disorders; IgE mediated allergies to food proteins;
2.2 food protein-induced enterocolitis syndrome; eosinophilic esophagitis; eosinophilic
2.3 gastroenteritis; and eosinophilic colitis, when those conditions are diagnosed by an
2.4 allergist, gastroenterologist, or pediatrician. Coverage of amino-acid-based elemental
2.5 formulas for enrollees diagnosed with an IgE mediated condition is limited to enrollees
2.6 age five years and under.

2.7 (b) A policy, plan, certificate, or contract described in paragraph (a) may require
2.8 that an enrollee obtain prior authorization for the coverage described in this subdivision.
2.9 When requesting coverage, ordering physicians may be required to submit documentation
2.10 of diagnosis, expected course of treatment, and duration of use of amino-acid-based
2.11 elemental formulas. Coverage may be provided for up to 90 days when requested by a
2.12 physician while actively seeking diagnosis. Documentation of symptoms and referral
2.13 for diagnosis may be required.

2.14 (c) No special deductible, co-payment, waiting period, or other special restriction for
2.15 the coverage specified in this subdivision may be imposed if not imposed under the policy,
2.16 plan, certificate, or contract for nonpreventive treatment or prescription drugs in general.

2.17 **EFFECTIVE DATE.** This section is effective for policies, plans, certificates, and
2.18 contracts issued on or after August 1, 2007.

2.19 Sec. 2. Minnesota Statutes 2006, section 256B.0625, is amended by adding a
2.20 subdivision to read:

2.21 Subd. 3g. **Amino-acid-based elemental formulas.** Medical assistance covers
2.22 amino-acid-based elemental formulas on the same terms and conditions required of
2.23 policies, plans, and certificates under section 62A.26.