

House Bill 1156

By: Representative Lindsey of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to insurance generally, so as to require certain
3 insurance coverage for physician prescribed special dietary foods or formulas for specific
4 chronic medical conditions; to provide a short title; to provide for definitions; to provide for
5 related matters; to provide for applicability; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Medical Food Equity Act."

10 **SECTION 2.**

11 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to
12 general provisions relative to insurance generally, is amended by adding a new Code section
13 to read as follows:

14 "33-24-59.16.

15 (a) As used in this Code section, the term:

16 (1) 'Food tolerance and absorption disorders' means eosinophilic disorders requiring
17 amino acid based elemental formulas, specifically eosinophilic esophagitis, eosinophilic
18 gastroenteritis, eosinophilic colitis, and post-transplant eosinophilic disorders; food
19 protein-induced enterocolitis syndrome; and short bowel syndrome.

20 (2) 'Health benefit plan' means any hospital or medical insurance policy or certificate,
21 health care plan contract or certificate, qualified higher deductible health plan, health
22 maintenance organization subscriber contract, any health benefit plan established
23 pursuant to Article 1 of Chapter 18 of Title 45, or managed care plan; but health benefit
24 plan does not include policies issued in accordance with Chapter 31 of this title; disability
25 income policies; or Chapter 9 of Title 34, relating to workers' compensation.

26 (3) 'Inherited metabolic and genetic disorders' or 'food tolerance and absorption
27 disorders' means medical conditions that interfere with the metabolism or absorption of
28 specific nutrients for which the Department of Public Health screens newborns pursuant
29 to Code Section 31-12-6, et seq.

30 (4) 'Insurer' means any accident and sickness insurer, fraternal benefit society, nonprofit
31 hospital service corporation, nonprofit medical service corporation, health care
32 corporation, health maintenance organization, provider sponsored health care corporation,
33 or any similar entity and any self-insured health benefit plan not subject to the exclusive
34 jurisdiction of the federal Employee Retirement Income Security Act of 1974, 29 U.S.C.
35 Section 1001, et seq., which entity provides for the financing or delivery of health care
36 services through a health benefit plan, or the plan administrator of any health benefit plan
37 established pursuant to Article 1 of Chapter 18 of Title 45.

38 (5) 'Medical food' means food which is scientifically formulated to diagnose or treat one
39 of the inherited metabolic and genetic disorders or food tolerance and absorption
40 disorders set forth in this Code section and which must be consumed or administered
41 internally under the supervision of a physician. Medical food does not include any
42 products designed to treat gluten intolerance, celiac disease, diabetes, or any other
43 condition not specifically listed or referenced in this Code section. For purposes of this
44 Code section, medical food is limited to the following:

45 (A) For treatment of inherited metabolic and genetic disorders: (i) formulas; (ii) foods
46 modified to be low in protein and which shall be subject to a maximum expenditure of
47 \$2,500.00 per calendar year; and (iii) large neutral amino acid pills, capsules, and
48 sachets;

49 (B) For diagnosis and treatment of food tolerance and absorption disorders, any amino
50 acid based elemental formula which is recognized as a special formula by the Georgia
51 Women, Infants, and Children program; and

52 (C) Any medical equipment, supplies, and services required to administer medical
53 food.

54 (b) Each insurer providing a prescription drug benefit or reimbursement for health care
55 costs as part of a health benefit plan delivered, issued for delivery, or renewed in this state
56 shall provide coverage and reimbursement for medical foods used in the diagnosis and
57 treatment of inherited metabolic and genetic disorders and food tolerance and absorption
58 disorders, regardless of delivery method, where the attending physician has issued a written
59 order stating that the medical food is medically necessary.

60 (c) An insurer shall provide the coverage described in subsection (b) of this Code section
61 on a basis no less favorable than the basis on which prescription drugs and other
62 medications and related services are covered by the health benefit plan, and to the same

63 extent that the health benefit plan provides coverage for drugs that are available only on
64 the orders of a physician."

65 **SECTION 3.**

66 This Act shall be applicable to policies issued on or renewed after July 1, 2014.

67 **SECTION 4.**

68 All laws and parts of laws in conflict with this Act are repealed.