

CHAPTER 510

(House Bill 578)

AN ACT concerning

Health Insurance – Coverage for Amino Acid–Based Elemental Formula

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for amino acid–based elemental formula for the diagnosis and treatment of certain allergies, syndromes, and conditions under certain circumstances; authorizing a private review agent, acting on behalf of an insurer, nonprofit health service plan, or health maintenance organization to review a certain determination of medical necessity in accordance with certain provisions of law; providing for the application of this Act; and generally relating to requiring health insurance coverage for amino acid–based elemental formula.

BY adding to

Article – Health – General
Section 19–706(ppp)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article – Insurance
Section 15–843
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

19–706.

(PPP) THE PROVISIONS OF § 15–843 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

Article – Insurance

15–843.

(A) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL, MEDICAL, AND SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A POLICY OR PLAN SUBJECT TO THIS SECTION SHALL INCLUDE, UNDER THE FAMILY MEMBER COVERAGE, COVERAGE FOR AMINO ACID-BASED ELEMENTAL FORMULA, REGARDLESS OF DELIVERY METHOD, FOR THE DIAGNOSIS AND TREATMENT OF:

(I) IMMUNOGLOBULIN E AND NON-IMMUNOGLOBULIN E MEDIATED ALLERGIES TO MULTIPLE FOOD PROTEINS;

(II) SEVERE FOOD PROTEIN INDUCED ENTEROCOLITIS SYNDROME;

(III) EOSINOPHILIC DISORDERS, AS EVIDENCED BY THE RESULTS OF A BIOPSY; AND

(IV) IMPAIRED ABSORPTION OF NUTRIENTS CAUSED BY DISORDERS AFFECTING THE ABSORPTIVE SURFACE, FUNCTIONAL LENGTH, AND MOTILITY OF THE GASTROINTESTINAL TRACT.

(2) ~~THE~~ SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE COVERAGE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS REQUIRED IF 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 LISTED IN PARAGRAPH (1) OF THIS SUBSECTION.

(3) ~~AN~~ IN ACCORDANCE WITH SUBTITLE 10A OF THIS TITLE, A PRIVATE REVIEW AGENT, ACTING ON BEHALF OF AN INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION ORGANIZATION, MAY REVIEW THE ORDERING PHYSICIAN'S DETERMINATION OF THE MEDICAL NECESSITY OF THE AMINO ACID-BASED ELEMENTAL FORMULA FOR THE TREATMENT OF A DISEASE OR DISORDER LISTED IN PARAGRAPH (1) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after October 1, 2008.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, May 13, 2008.