

House Bill 73

By: Representatives Lindsey of the 54th, Watson of the 166th, Cooper of the 43rd, Hawkins of the 27th, and Oliver of the 82nd

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 gastrointestinal
17 disorders, including post-transplant; Immunoglobulin E and non-Immunoglobulin E
18 mediated allergies to multiple food proteins; food protein-induced enterocolitis
19 syndrome; and impaired absorption of nutrients caused by disorders affecting the
20 absorptive surface, functional length, and motility of the gastrointestinal tract.

21 (2) 'Health benefit plan' means any hospital or medical insurance policy or certificate,
22 health care plan contract or certificate, qualified higher deductible health plan, health
23 maintenance organization subscriber contract, any health benefit plan established
24 pursuant to Article 1 of Chapter 18 of Title 45, or managed care plan; but health benefit

25 plan does not include policies issued in accordance with Chapter 31 of this title; disability
26 income policies; or Chapter 9 of Title 34, relating to workers' compensation.

27 (3) 'Inherited metabolic and genetic disorders' means medical conditions that interfere
28 with the metabolism or absorption of specific nutrients for which the Department of
29 Public Health screens newborns pursuant 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 formulated to be consumed or administered
39 enterally under the supervision of a physician and which is intended for the specific
40 dietary management of a disease or condition for which distinctive nutritional
41 requirements, based on recognized scientific principles, are established by medical
42 evaluation. For purposes of this Code section, medical food includes the following:

43 (A) Nutritionally modified counterparts of traditional foods, including foods modified
44 to be low protein, and other forms of foods, such as formulas, pills, capsules, and bars,
45 used in the treatment of inherited metabolic and genetic disorders;

46 (B) Any amino acid based elemental formula which is medically necessary, in the
47 opinion of the attending physician, for the diagnosis and treatment of food tolerance
48 and absorption disorders and which is recognized as a special formula by the Georgia
49 Women, Infants, and Children program; and

50 (C) Any medical equipment, supplies, and services required to administer medical
51 food.

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

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

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

63 **SECTION 3.**

64 This Act shall be applicable to policies issued on or renewed after July 1, 2013.

65 **SECTION 4.**

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