A BILL FOR AN ACT

CONCERNING HEALTH INSURANCE COVERAGE FOR SEVERE PROTEIN ALLERGIC CONDITIONS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

The bill requires health benefit plans, except for supplemental policies, to provide coverage for severe protein allergic conditions including immunoglobulin E and nonimmunoglobulin E-mediated allergies to multiple food proteins; severe food protein induced enterocolitis syndrome; eosinophilic disorders as evidenced by the results of a biopsy; and impaired absorption of nutrients caused by disorders
affecting the absorptive surface, function, length, and motility of the gastrointestinal tract. This includes coverage for amino acid-based elemental formulas.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 10-16-104, amend (1) (c) (III) (A) and (1) (c) (III) (C) as follows:

10-16-104. Mandatory coverage provisions - definitions - rules. (1) Newborn children. (c) (III) (A) Coverage for inherited enzymatic disorders caused by single gene defects involved in the metabolism of amino, organic, and fatty acids shall AS WELL AS SEVERE PROTEIN ALLERGIC CONDITIONS include, but not be limited to WITHOUT LIMITATION, the following diagnosed conditions: Phenylketonuria; maternal phenylketonuria; maple syrup urine disease; tyrosinemia; homocystinuria; histidinemia; urea cycle disorders; hyperlysinemia; glutaric acidemias; methylmalonic acidemia; and propionic acidemia; IMMUNOGLOBULIN E AND NONIMMUNOGLOBULIN E-MEDIATED ALLERGIES TO MULTIPLE FOOD PROTEINS; SEVERE FOOD PROTEIN INDUCED ENTEROCOLITIS SYNDROME; EOSINOPHILIC DISORDERS AS EVIDENCED BY THE RESULTS OF A BIOPSY; AND IMPAIRED ABSORPTION OF NUTRIENTS CAUSED BY DISORDERS AFFECTING THE ABSORPTIVE SURFACE, FUNCTION, LENGTH, AND MOTILITY OF THE GASTROINTESTINAL TRACT. Covered care and treatment of such conditions shall include, to the extent medically necessary, medical foods for home use for which a physician who is a participating provider has issued a written, oral, or electronic prescription.

(C) As used in this subparagraph (III), "medical foods" means prescription metabolic formulas and their modular counterparts AND AMINO ACID-BASED ELEMENTAL FORMULAS, obtained through a pharmacy,
that are specifically designated and manufactured for the treatment of
inherited enzymatic disorders caused by single gene defects involved in
the metabolism of amino, organic, and fatty acids and for SEVERE
ALLERGIC CONDITIONS FOR which medically standard methods of
diagnosis, treatment, and monitoring exist. Such formulas are specifically
processed or formulated to be deficient in one or more nutrients. and THE
FORMULAS FOR SEVERE FOOD ALLERGIES CONTAIN ONLY SINGULAR FORM
ELEMENTAL AMINO ACIDS. THE FORMULAS are to be consumed or
administered enterally either via tube or oral route under the direction of
a physician who is a participating provider. This sub-subparagraph (C)
shall not be construed to apply to cystic fibrosis patients or lactose- or
soy-intolerant patients.

SECTION 2. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly (August
10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
referendum petition is filed pursuant to section 1 (3) of article V of the
state constitution against this act or an item, section, or part of this act
within such period, then the act, item, section, or part will not take effect
unless approved by the people at the general election to be held in
November 2016 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.