
SUBSTITUTE SENATE BILL 5874

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senator Kline)

READ FIRST TIME 02/27/07.

1 AN ACT Relating to requiring health benefit plans to provide
2 coverage for elemental formulas; adding a new section to chapter 41.05
3 RCW; adding a new section to chapter 48.20 RCW; adding a new section to
4 chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a
5 new section to chapter 48.46 RCW; adding a new section to chapter
6 48.125 RCW; adding a new section to chapter 70.47 RCW; and adding a new
7 section to chapter 74.09 RCW.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.05 RCW
10 to read as follows:

11 (1) Each plan offered to public employees and their covered
12 dependents under this chapter that is not subject to the provisions of
13 Title 48 RCW and is issued or renewed after December 31, 2007, shall
14 provide coverage for:

15 (a) Amino acid-based elemental formulas for infants and children,
16 when medically necessary, regardless of the delivery method: (i) For
17 the diagnosis and treatment of milk protein allergies and intolerances
18 and other food allergies and intolerances, impaired absorption of
19 nutrients caused by disorders affecting the absorptive surface,

1 functional length, motility of the gastrointestinal tract, and
2 inherited diseases of amino acids and organic acids; (ii) for testing
3 to determine an infant's or child's status with regard to various
4 diseases and disorders; and (iii) for any other metabolic condition
5 when recommended by a licensed health care provider; and

6 (b) Specialized amino acid-based elemental formulas when such
7 specialized formulas are medically necessary for the treatment of a
8 disease or condition and are the least restrictive means for meeting
9 the needs of the patient. The verification of a disease or a condition
10 must be directed by a licensed health care professional and
11 administered under the direction of a licensed health care
12 professional.

13 (2) This section shall not be construed to prevent the application
14 of standard policy provisions applicable to other benefits, such as
15 deductible or copayment provisions. This section does not limit the
16 authority of the health care authority to negotiate rates and contract
17 with specific providers for the delivery of covered services. This
18 section does not apply to medicare supplemental policies or
19 supplemental contracts covering a specified disease or other limited
20 benefits.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.20 RCW
22 to read as follows:

23 (1) Each disability insurance policy issued or renewed after
24 December 31, 2007, that provides coverage for hospital or medical
25 expenses shall provide coverage for:

26 (a) Amino acid-based elemental formulas for infants and children,
27 when medically necessary, regardless of the delivery method: (i) For
28 the diagnosis and treatment of milk protein allergies and intolerances
29 and other food allergies and intolerances, impaired absorption of
30 nutrients caused by disorders affecting the absorptive surface,
31 functional length, motility of the gastrointestinal tract, and
32 inherited diseases of amino acids and organic acids; (ii) for testing
33 to determine an infant's or child's status with regard to various
34 diseases and disorders; and (iii) for any other metabolic condition
35 when recommended by a licensed health care provider; and

36 (b) Specialized amino acid-based elemental formulas when such
37 specialized formulas are medically necessary for the treatment of a

1 disease or condition and are the least restrictive means for meeting
2 the needs of the patient. The verification of a disease or a condition
3 must be directed by a licensed health care professional and
4 administered under the direction of a licensed health care
5 professional.

6 (2) This section shall not be construed to prevent the application
7 of standard policy provisions applicable to other benefits, such as
8 deductible or copayment provisions. This section does not limit the
9 authority of an insurer to negotiate rates and contract with specific
10 providers for the delivery of services. This section does not apply to
11 medicare supplemental policies or supplemental contracts covering a
12 specified disease or other limited benefits.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 48.21 RCW
14 to read as follows:

15 (1) Each group disability insurance policy issued or renewed after
16 December 31, 2007, that provides coverage for hospital or medical
17 expenses shall provide coverage for:

18 (a) Amino acid-based elemental formulas for infants and children,
19 when medically necessary, regardless of the delivery method: (i) For
20 the diagnosis and treatment of milk protein allergies and intolerances
21 and other food allergies and intolerances, impaired absorption of
22 nutrients caused by disorders affecting the absorptive surface,
23 functional length, motility of the gastrointestinal tract, and
24 inherited diseases of amino acids and organic acids; (ii) for testing
25 to determine an infant's or child's status with regard to various
26 diseases and disorders; and (iii) for any other metabolic condition
27 when recommended by a licensed health care provider; and

28 (b) Specialized amino acid-based elemental formulas when such
29 specialized formulas are medically necessary for the treatment of a
30 disease or condition and are the least restrictive means for meeting
31 the needs of the patient. The verification of a disease or a condition
32 must be directed by a licensed health care professional and
33 administered under the direction of a licensed health care
34 professional.

35 (2) This section shall not be construed to prevent the application
36 of standard policy provisions applicable to other benefits, such as
37 deductible or copayment provisions. This section does not limit the

1 authority of an insurer to negotiate rates and contract with specific
2 providers for the delivery of services. This section does not apply to
3 medicare supplemental policies or supplemental contracts covering a
4 specified disease or other limited benefits.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 48.44 RCW
6 to read as follows:

7 (1) Each health care service contract issued or renewed after
8 December 31, 2007, that provides coverage for hospital or medical
9 expenses shall provide coverage for:

10 (a) Amino acid-based elemental formulas for infants and children,
11 when medically necessary, regardless of the delivery method: (i) For
12 the diagnosis and treatment of milk protein allergies and intolerances
13 and other food allergies and intolerances, impaired absorption of
14 nutrients caused by disorders affecting the absorptive surface,
15 functional length, motility of the gastrointestinal tract, and
16 inherited diseases of amino acids and organic acids; (ii) for testing
17 to determine an infant's or child's status with regard to various
18 diseases and disorders; and (iii) for any other metabolic condition
19 when recommended by a licensed health care provider; and

20 (b) Specialized amino acid-based elemental formulas when such
21 specialized formulas are medically necessary for the treatment of a
22 disease or condition and are the least restrictive means for meeting
23 the needs of the patient. The verification of a disease or a condition
24 must be directed by a licensed health care professional and
25 administered under the direction of a licensed health care
26 professional.

27 (2) This section shall not be construed to prevent the application
28 of standard policy provisions applicable to other benefits, such as
29 deductible or copayment provisions. This section does not limit the
30 authority of a contractor to negotiate rates and contract with specific
31 providers for the delivery of services. This section does not apply to
32 medicare supplemental policies or supplemental contracts covering a
33 specified disease or other limited benefits.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter 48.46 RCW
35 to read as follows:

1 (1) Each health maintenance agreement issued or renewed after
2 December 31, 2007, that provides coverage for hospital or medical
3 expenses shall provide coverage for:

4 (a) Amino acid-based elemental formulas for infants and children,
5 when medically necessary, regardless of the delivery method: (i) For
6 the diagnosis and treatment of milk protein allergies and intolerances
7 and other food allergies and intolerances, impaired absorption of
8 nutrients caused by disorders affecting the absorptive surface,
9 functional length, motility of the gastrointestinal tract, and
10 inherited diseases of amino acids and organic acids; (ii) for testing
11 to determine an infant's or child's status with regard to various
12 diseases and disorders; and (iii) for any other metabolic condition
13 when recommended by a licensed health care provider; and

14 (b) Specialized amino acid-based elemental formulas when such
15 specialized formulas are medically necessary for the treatment of a
16 disease or condition and are the least restrictive means for meeting
17 the needs of the patient. The verification of a disease or a condition
18 must be directed by a licensed health care professional and
19 administered under the direction of a licensed health care
20 professional.

21 (2) This section shall not be construed to prevent the application
22 of standard policy provisions applicable to other benefits, such as
23 deductible or copayment provisions. This section does not limit the
24 authority of a health maintenance organization to negotiate rates and
25 contract with specific providers for the delivery of services. This
26 section does not apply to medicare supplemental policies or
27 supplemental contracts covering a specified disease or other limited
28 benefits.

29 NEW SECTION. **Sec. 6.** A new section is added to chapter 48.125 RCW
30 to read as follows:

31 (1) Each self-funded multiple employer welfare arrangement
32 established, operated, providing benefits, or maintained in this state
33 after December 31, 2007, that provides coverage for hospital or medical
34 expenses shall provide coverage for:

35 (a) Amino acid-based elemental formulas for infants and children,
36 when medically necessary, regardless of the delivery method: (i) For
37 the diagnosis and treatment of milk protein allergies and intolerances

1 and other food allergies and intolerances, impaired absorption of
2 nutrients caused by disorders affecting the absorptive surface,
3 functional length, motility of the gastrointestinal tract, and
4 inherited diseases of amino acids and organic acids; (ii) for testing
5 to determine an infant's or child's status with regard to various
6 diseases and disorders; and (iii) for any other metabolic condition
7 when recommended by a licensed health care provider; and

8 (b) Specialized amino acid-based elemental formulas when such
9 specialized formulas are medically necessary for the treatment of a
10 disease or condition and are the least restrictive means for meeting
11 the needs of the patient. The verification of a disease or a condition
12 must be directed by a licensed health care professional and
13 administered under the direction of a licensed health care
14 professional.

15 (2) This section shall not be construed to prevent the application
16 of standard policy provisions applicable to other benefits, such as
17 deductible or copayment provisions. This section does not limit the
18 authority of a self-funded multiple employer welfare arrangement to
19 negotiate rates and contract with specific providers for the delivery
20 of services.

21 NEW SECTION. **Sec. 7.** A new section is added to chapter 70.47 RCW
22 to read as follows:

23 (1) Any schedule of benefits established or renewed by the
24 Washington basic health plan after December 31, 2007, shall provide
25 coverage for:

26 (a) Amino acid-based elemental formulas for infants and children,
27 when medically necessary, regardless of the delivery method: (i) For
28 the diagnosis and treatment of milk protein allergies and intolerances
29 and other food allergies and intolerances, impaired absorption of
30 nutrients caused by disorders affecting the absorptive surface,
31 functional length, motility of the gastrointestinal tract, and
32 inherited diseases of amino acids and organic acids; (ii) for testing
33 to determine an infant's or child's status with regard to various
34 diseases and disorders; and (iii) for any other metabolic condition
35 when recommended by a licensed health care provider; and

36 (b) Specialized amino acid-based elemental formulas when such
37 specialized formulas are medically necessary for the treatment of a

1 disease or condition and are the least restrictive means for meeting
2 the needs of the patient. The verification of a disease or a condition
3 must be directed by a licensed health care professional and
4 administered under the direction of a licensed health care
5 professional.

6 (2) This section shall not be construed to prevent the application
7 of standard policy provisions applicable to other benefits, such as
8 deductible or copayment provisions. This section does not limit the
9 authority of the health care authority to negotiate rates and contract
10 with specific providers for the delivery of services.

11 NEW SECTION. **Sec. 8.** A new section is added to chapter 74.09 RCW
12 to read as follows:

13 The department shall provide coverage under this chapter for:

14 (1) Amino acid-based elemental formulas for infants and children,
15 when medically necessary, regardless of the delivery method: (a) For
16 the diagnosis and treatment of milk protein allergies and intolerances
17 and other food allergies and intolerances, impaired absorption of
18 nutrients caused by disorders affecting the absorptive surface,
19 functional length, motility of the gastrointestinal tract, and
20 inherited diseases of amino acids and organic acids; (b) for testing to
21 determine an infant's or child's status with regard to various diseases
22 and disorders; and (c) for any other metabolic condition when
23 recommended by a licensed health care provider; and

24 (2) Specialized amino acid-based elemental formulas when such
25 specialized formulas are medically necessary for the treatment of a
26 disease or condition and are the least restrictive means for meeting
27 the needs of the patient. The verification of a disease or a condition
28 must be directed by a licensed health care professional and
29 administered under the direction of a licensed health care
30 professional.

--- END ---