
SENATE BILL 5874

State of Washington

60th Legislature

2007 Regular Session

By Senator Kline

Read first time 02/05/2007. Referred to Committee on Health & Long-Term Care.

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, regardless of the delivery
16 method: (i) For the diagnosis and treatment of milk protein allergies
17 and intolerances and other food allergies and intolerances, impaired
18 absorption of nutrients caused by disorders affecting the absorptive
19 surface, functional length, motility of the gastrointestinal tract, and

1 inherited diseases of amino acids and organic acids; (ii) for testing
2 to determine an infant's or child's status with regard to various
3 diseases and disorders; and (iii) for any reason if required and
4 recommended by a licensed health care professional; and

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

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

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

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

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

34 (b) Specialized amino acid-based elemental formulas when such
35 specialized formulas are medically necessary for the treatment of a
36 disease or condition and are the least restrictive means for meeting
37 the needs of the patient. The verification of a disease or a condition

1 must be directed by a licensed health care professional and
2 administered under the direction of a licensed health care
3 professional.

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

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

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

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

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

32 (2) This section shall not be construed to prevent the application
33 of standard policy provisions applicable to other benefits, such as
34 deductible or copayment provisions. This section does not limit the
35 authority of an insurer to negotiate rates and contract with specific
36 providers for the delivery of services. This section does not apply to

1 medicare supplemental policies or supplemental contracts covering a
2 specified disease or other limited benefits.

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

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

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

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

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

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

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

1 (a) Amino acid-based elemental formulas, regardless of the delivery
2 method: (i) For the diagnosis and treatment of milk protein allergies
3 and intolerances and other food allergies and intolerances, impaired
4 absorption of nutrients caused by disorders affecting the absorptive
5 surface, functional length, motility of the gastrointestinal tract, and
6 inherited diseases of amino acids and organic acids; (ii) for testing
7 to determine an infant's or child's status with regard to various
8 diseases and disorders; and (iii) for any reason if required and
9 recommended by a licensed health care professional; and

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

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

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

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

31 (a) Amino acid-based elemental formulas, regardless of the delivery
32 method: (i) For the diagnosis and treatment of milk protein allergies
33 and intolerances and other food allergies and intolerances, impaired
34 absorption of nutrients caused by disorders affecting the absorptive
35 surface, functional length, motility of the gastrointestinal tract, and
36 inherited diseases of amino acids and organic acids; (ii) for testing

1 to determine an infant's or child's status with regard to various
2 diseases and disorders; and (iii) for any reason if required and
3 recommended by a licensed health care professional; and

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

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

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

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

22 (a) Amino acid-based elemental formulas, regardless of the delivery
23 method: (i) For the diagnosis and treatment of milk protein allergies
24 and intolerances and other food allergies and intolerances, impaired
25 absorption of nutrients caused by disorders affecting the absorptive
26 surface, functional length, motility of the gastrointestinal tract, and
27 inherited diseases of amino acids and organic acids; (ii) for testing
28 to determine an infant's or child's status with regard to various
29 diseases and disorders; and (iii) for any reason if required and
30 recommended by a licensed health care professional; and

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

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

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

8 The department shall provide coverage under this chapter for:

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

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

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