

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/21/17 S3/29/17  
**A Bill**

HOUSE BILL 1900

By: Representative Bentley  
By: Senator Bledsoe

### For An Act To Be Entitled

AN ACT TO AMEND THE REQUIREMENTS FOR HEALTH INSURANCE  
COVERAGE FOR MEDICALLY NECESSARY FOODS USED IN THE  
TREATMENT OF INBORN ERRORS OF METABOLISM; AND FOR  
OTHER PURPOSES.

### Subtitle

TO AMEND THE REQUIREMENTS FOR HEALTH  
INSURANCE COVERAGE FOR MEDICALLY  
NECESSARY FOODS USED IN THE TREATMENT OF  
INBORN ERRORS OF METABOLISM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 23-79-703 is amended to read as follows:

23-79-703. Health insurance coverage for medically necessary foods =  
Definition.

(a) As used in this section, "medical disorder requiring specialized  
nutrients or formulas" means the following inherited metabolic disorders  
involving a failure to properly metabolize certain nutrients:

(1) Nitrogen metabolism disorder;

(2) Phenylketonuria;

(3) Maple syrup urine disease;

(4) Homocystinuria;

(5) Citrullinemia;

(6) Argininosuccinic acidemia;

(7) Tyrosinemia, type 1;



- (8) Very-long-chain acyl-CoA dehydrogenase deficiency;
- (9) Long-chain 3-hydroxyacyl-CoA dehydrogenase deficiency;
- (10) Trifunctional protein deficiency;
- (11) Glutaric acidemia, type 1;
- (12) 3-methylcrotonyl CoA carboxylase deficiency;
- (13) Propionic acidemia;
- (14) Methylmalonic acidemia due to mutase deficiency;
- (15) Methylmalonic acidemia due to cobalamin A,B defect;
- (16) Isovaleric acidemia;
- (17) Ornithine transcarbamylase deficiency;
- (18) Non-ketotic hyperglycinemia;
- (19) Glycogen storage diseases;
- (20) Disorders of creatine metabolism;
- (21) Malonic aciduria;
- (22) Carnitine palmitoyl transferase deficiency type II;
- (23) Glutaric aciduria type II; and
- (24) Sulfite oxidase deficiency.

(b)(1) All A health plans plan issued, delivered, amended, or modified in this state on or after January 1, 2000 2018, shall provide the minimum benefits set out in subsection (b) under subsection (c) of this section for medical foods, including without limitation and low:

- (A) Low protein modified food products;
- (B) Amino-acid-based elemental formulas;
- (C) Extensively hydrolyzed protein formulas;
- (D) Formulas with modified vitamin or mineral content; and
- (E) Modified nutrient content formulas.

(2)(A) The products and formulas listed in subdivision (b)(1) of this section shall be covered by a health plan regardless of delivery method, whether enteral or oral, or sole source or supplemental, or the age of the covered person, for the treatment of a covered person inflicted with phenylketonuria, galactosemia, organic acidemias, and disorders of amino acid metabolism with a medical disorder requiring specialized nutrients or formulas if:

~~(1)~~(i) Either of the following occurs:

(a) The medical food or low protein modified food products, regardless of delivery method, are prescribed by a healthcare

provider licensed under § 17-95-401 et seq. as medically necessary; or

(b) A healthcare provider licensed under § 17-95-401 et seq. issues a written order stating that a medical food is medically necessary for the therapeutic treatment of phenylketonuria, galactosemia, organic acidemias, and disorders of amino acid metabolism a medical disorder requiring specialized nutrients or formulas as described in subdivision (b)(1) of this section; and

~~(2)(ii) The products are product or formula is administered under the direction of a physician licensed healthcare practitioner under § 17-95-401 et seq. and shall only be administered under the direction of a clinical geneticist and a registered dietitian; and.~~

(B) As used in subdivision (b)(2)(A) of this section, a "healthcare provider" does not include a nurse practitioner or physician's assistant.

(3) To be covered by a health plan, treatment of a medical disorder requiring specialized nutrients or formulas shall be:

(A) Derived from evidence-based practice guidelines; and

(B) Efficacious.

~~(3) The cost of the medical food or low protein modified food products for an individual or a family with a dependent person or persons exceeds the income tax credit of two thousand four hundred dollars (\$2,400) per year per person allowed under § 23-79-702.~~

~~(b)(1) Every health insurance policy, contract, certificate, or healthcare plan issued in this state by an insurance company, hospital medical service corporation, or health maintenance organization, other than coverage limited to expenses from accident only, specified disease, hospital indemnity, Medicare supplement, long-term care, disability income, or other limited benefit health insurance policies, whether an individual or group policy, contract, certificate, or healthcare plan, that covers the insured and members of the insured's family shall provide coverage for amino acid modified preparations, low protein modified food products, and any other special dietary products and formulas prescribed under the direction of a physician for the therapeutic treatment of phenylketonuria, galactosemia, organic acidemias, and disorders of amino acid metabolism.~~

(c)(1) A health insurance policy, contract, certificate, or healthcare plan issued in this state by an insurance company, hospital medical service

corporation, health maintenance organization, or a self-funded or self-insured governmental plan, whether an individual or group policy, contract, certificate, or healthcare plan, that covers the insured and the insured's family shall provide coverage and reimbursement for the treatment of a medical disorder requiring specialized nutrients or formulas in accordance with subsection (b) of this section.

(2) Benefits provided under the Arkansas Medicaid Program or coverage limited to expenses from an accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care, disability income, or other limited benefit health insurance policy or plan is exempt from the requirement of subdivision (c)(1) of this section.

~~(2)(3)~~ This ~~The~~ benefit provided under subdivision (c)(1) of this section may be subject to a deductible, copayments, coinsurance, or other patient cost-sharing amounts required by the health plan.

~~(e)(d)~~ If the cost of the medical food or low protein modified food products or formulas described in subdivision (b)(1) of this section for an individual or a family with a dependent child or children a covered person exceeds the income tax credit of two thousand four hundred dollars (\$2,400) per year per child covered person allowed under § 23-79-702 and the individual or a family with a dependent child or children has been denied accident and health insurance or coverage for phenylketonuria, galactosemia, organic acidemias, and disorders of amino acid metabolism or covered person cannot afford insurance coverage for phenylketonuria, galactosemia, organic acidemias, and disorders of amino acid metabolism treatment of a medical disorder requiring specialized nutrients or formulas as described in subdivision (b)(1) of this section, the Department of Health shall reimburse the healthcare provider up to one thousand dollars (\$1,000) per individual covered person from any funds appropriated therefor for the required healthcare service, including screening, diagnostic, and treatment services.

*/s/Bentley*

**APPROVED: 04/07/2017**