HOUSE BILL NO. 199

AN ACT TO CREATE NEW SECTION 41-21-204, MISSISSIPPI CODE OF 1972, TO ESTABLISH A PROGRAM TO PAY ALL OR PART OF THE COST OF MEDICALLY NECESSARY FORMULAS FOR THE TREATMENT OF INHERITED DISEASES OF AMINO ACID, ORGANIC ACID, CARBOHYDRATE OR FAT METABOLISM, AND MALABSORPTION ORIGINATING FROM CONGENITAL DEFECTS, AND FOOD PRODUCTS MODIFIED TO BE LOW PROTEIN; TO PROVIDE THAT THE PROGRAM SHALL BE ADMINISTERED BY THE STATE DEPARTMENT OF HEALTH; TO PROVIDE THAT THE PROGRAM SHALL BE FUNDED FROM MONIES APPROPRIATED FROM THE HEALTH CARE EXPENDABLE FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 41-21-204, Mississippi Code of 1972:

41-21-204. (1) There is established a program to be administered by the State Department of Health to pay for all or part of the cost of prescription and nonprescription enteral formulas for home use that are prescribed by a physician as medically necessary for the treatment of inherited diseases of amino acid, organic acid, carbohydrate or fat metabolism, as well as malabsorption originating from congenital defects present at birth or acquired during the neonatal period, and food products modified to be low protein.

(2) The program shall consist of the following:

(a) Monetary assistance for recipients to purchase the formulas and food products described in subsection (1) of this section, which assistance may be in the form of:

(i) Vouchers to be used by recipients for purchasing the formulas and food products; or

(ii) Reimbursement to recipients for the cost of purchasing the formulas and food products; or
b) Providing the formulas and food products directly to the recipients; or

c) A combination of paragraph (a) and (b) of this subsection.

(3) The State Board of Health shall adopt rules and regulations regarding:

(a) The criteria for eligibility to receive assistance under the program, which shall include the maximum income and resource levels that a family may have to be eligible for assistance under the program;

(b) The amount of assistance that will be provided to eligible recipients, which may include different levels of assistance for different recipients based upon the recipient's income and resources and relative need for the assistance; and

(c) Procedures for applying for assistance under the program.

(4) The program shall be funded from monies appropriated from the Health Care Expendable Fund established under Section 43-13-407 and from any other funds appropriated to or otherwise made available to the State Department of Health for the purpose of the program.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.