

By: Representative Ishee

To: Public Health and Human Services; Appropriations

HOUSE BILL NO. 39

1 AN ACT TO CREATE NEW SECTION 41-21-204, MISSISSIPPI CODE OF  
2 1972, TO ESTABLISH A PROGRAM TO PAY ALL OR PART OF THE COST OF  
3 MEDICALLY NECESSARY FORMULAS FOR THE TREATMENT OF INHERITED  
4 DISEASES OF AMINO ACID, ORGANIC ACID, CARBOHYDRATE OR FAT  
5 METABOLISM, AND MALABSORPTION ORIGINATING FROM CONGENITAL DEFECTS,  
6 AND FOOD PRODUCTS MODIFIED TO BE LOW PROTEIN; TO PROVIDE THAT THE  
7 PROGRAM SHALL BE ADMINISTERED BY THE STATE DEPARTMENT OF HEALTH;  
8 TO PROVIDE THAT THE PROGRAM SHALL BE FUNDED FROM MONIES  
9 APPROPRIATED FROM THE HEALTH CARE EXPENDABLE FUND; AND FOR RELATED  
10 PURPOSES.

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

12 **SECTION 1.** The following shall be codified as Section  
13 41-21-204, Mississippi Code of 1972:

14 41-21-204. (1) There is established a program to be  
15 administered by the State Department of Health to pay for all or  
16 part of the cost of prescription and nonprescription enteral  
17 formulas for home use that are prescribed by a physician as  
18 medically necessary for the treatment of inherited diseases of  
19 amino acid, organic acid, carbohydrate or fat metabolism, as well  
20 as malabsorption originating from congenital defects present at  
21 birth or acquired during the neonatal period, and food products  
22 modified to be low protein.

23 (2) The program shall consist of the following:

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

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

29 (ii) Reimbursement to recipients for the cost of  
30 purchasing the formulas and food products; or

31           (b) Providing the formulas and food products directly  
32 to the recipients; or

33           (c) A combination of paragraphs (a) and (b) of this  
34 subsection.

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

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

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

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

47           (4) The program shall be funded from monies appropriated  
48 from the Health Care Expendable Fund established under Section  
49 43-13-407 and from any other funds appropriated to or otherwise  
50 made available to the State Department of Health for the purpose  
51 of the program.

52           **SECTION 2.** This act shall take effect and be in force from  
53 and after July 1, 2004.