

By: Senator(s) Gollott

To: Public Health and  
Welfare; Insurance

SENATE BILL NO. 2246

1 AN ACT TO REQUIRE HEALTH INSURANCE POLICIES TO INCLUDE  
2 COVERAGE FOR FORMULA AND LOW PROTEIN MODIFIED FOOD PRODUCTS  
3 RECOMMENDED BY A PHYSICIAN FOR THE TREATMENT OF A PATIENT WITH  
4 PHENYLKETONURIA OR AN INBORN ERROR OF METABOLISM; TO PROVIDE THAT  
5 THE COVERAGE SHALL NOT BE SUBJECT TO ANY GREATER DEDUCTIBLE OR  
6 COPAYMENT THAN OTHER SIMILAR HEALTH CARE SERVICES PROVIDED BY THE  
7 POLICY, BUT MAY BE SUBJECT TO AN ANNUAL BENEFIT MAXIMUM; AND FOR  
8 RELATED PURPOSES.

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

10 **SECTION 1.** All individual and group health insurance  
11 policies providing coverage on an expense incurred basis,  
12 individual and group service or indemnity type contracts issued by  
13 a nonprofit corporation, individual and group service contracts  
14 issued by a health maintenance organization, all self-insured  
15 group arrangements to the extent not preempted by federal law and  
16 all managed health care delivery entities of any type or  
17 description, that are delivered, issued for delivery, continued or  
18 renewed on or after July 1, 2005, and shall provide benefits or  
19 coverage for formula and low protein modified food products  
20 recommended by a physician for the treatment of a patient with  
21 phenylketonuria or an inborn error of metabolism who is covered  
22 under the policy. For purposes of this section, "low protein  
23 modified food products" means foods that are specifically  
24 formulated to have less than one (1) gram of protein per serving  
25 and are intended to be used under the direction of a physician for  
26 the dietary treatment of any inherited metabolic disease. Low  
27 protein modified food products do not include foods that are  
28 naturally low in protein. The coverage required by this section  
29 shall not be subject to any greater deductible or copayment than  
30 other similar health care services provided by the policy,

31 contract or plan, but may be subject to an annual benefit maximum  
32 of not less than Five Thousand Dollars (\$5,000.00) per covered  
33 individual. Nothing in this section shall prohibit a carrier from  
34 using individual case management or from contracting with vendors  
35 of the formula and food products. This section shall not apply to  
36 a supplemental insurance policy, including a life care contract,  
37 accident-only policy, specified disease policy, hospital policy  
38 providing a fixed daily benefit only, Medicare supplement policy,  
39 long-term care policy, or any other supplemental policy. The  
40 Commissioner of Insurance may adopt rules as necessary to  
41 implement this section.

42       **SECTION 2.** This act shall take effect and be in force from  
43 and after July 1, 2005.