

A BILL TO BE ENTITLED
AN ACT

1-1
1-2 relating to health insurance coverage for medical foods.

1-3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-4 SECTION 1. Article 3.79, Insurance Code, is amended to read
1-5 as follows:

1-6 Art. 3.79. COVERAGE FOR SPECIAL DIETARY FORMULAS FOR
1-7 INDIVIDUALS WITH PHENYLKETONURIA OR OTHER HERITABLE DISEASES

1-8 Sec. 1. DEFINITIONS. In this article:

1-9 (1) "Health insurance policy" means any group policy,
1-10 contract, or certificate of health insurance or evidence of
1-11 coverage delivered, issued for delivery, or renewed in this state
1-12 by an insurance company, including a group hospital service
1-13 corporation under Chapter 20 of this code and a health maintenance
1-14 organization under the Texas Health Maintenance Organization Act
1-15 (Chapter 20A, Vernon's Texas Insurance Code).

1-16 (2) "Heritable disease" means an inherited disease
1-17 that may result in mental or physical retardation or death.

1-18 (3) "Medical food" means a food that is formulated to
1-19 be consumed and administered enterally under the supervision of a
1-20 physician and that is intended for the specific dietary management
1-21 of a disease or condition for which distinctive nutritional
1-22 requirements, based on recognized scientific principles, are
1-23 established by medical evaluation.

1-24 (4) "Phenylketonuria" means an inherited condition
2-1 that may cause severe mental retardation if not treated.

2-2 Sec. 2. COVERAGE REQUIRED. Each health insurance policy
2-3 shall include coverage for formulas and medical foods necessary for
2-4 the treatment of phenylketonuria or other heritable diseases to the
2-5 same extent as for drugs available only on the orders of a
2-6 physician.

2-7 SECTION 2. This Act takes effect September 1, 1999, and
2-8 applies only to an insurance policy that is delivered, issued for
2-9 delivery, or renewed on or after January 1, 2000. A policy
2-10 delivered, issued for delivery, or renewed before January 1, 2000,
2-11 is governed by the law as it existed immediately before the
2-12 effective date of this Act.

2-13 SECTION 3. The importance of this legislation and the
2-14 crowded condition of the calendars in both houses create an
2-15 emergency and an imperative public necessity that the
2-16 constitutional rule requiring bills to be read on three several
2-17 days in each house be suspended, and this rule is hereby suspended.

2-18 COMMITTEE AMENDMENT NO. 1

2-19 Amend H.B. 1751, SECTION 1, by amending Article 3.79, Section
2-20 2, Insurance Code, on page 2, lines 4-5, to read as follows:

2-21 Sec. 2. COVERAGE REQUIRED. Each health insurance policy
2-22 shall include coverage for formulas and medical foods necessary for
2-23 the treatment of phenylketonuria or other heritable diseases under
2-24 Chapter 33, Health and Safety Code, to the same extent as for drugs
2-25 available only on the orders of a physician.

2-26 Seaman

3-1 COMMITTEE AMENDMENT NO. 2

3-2 Amend H.B. 1751, on page 2, line 7, in Article 3.79 of the
3-3 Insurance Code, by adding a new SECTION 2 to read as follows:

3-4 SECTION 2. LIMITATION OF BENEFITS. Each health insurance
3-5 policy that shall include coverage for formulas and medical foods
3-6 under SECTION 1, Section 2, as prescribed above, may limit the
3-7 dollar amount of the covered benefit to a maximum under the
3-8 enrollee contract of \$3,500.00 per year.

3-9 Renumbering all sections accordingly.

3-10 Seaman