

CHAPTER 195**(HB 395)**

AN ACT relating to inherited metabolic disease.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 304.17A-139 is amended to read as follows:

- (1) A health benefit plan that provides coverage for a family or dependent shall provide coverage of a newly born child of the insured from the moment of birth.
- (2) Coverage for a newly born child shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed inherited metabolic diseases.
- (3) If payment of a specific premium or fee is required to provide coverage for a child, the policy or contract may require that notification of birth of a newly born child and payment of the required premium or fees must be furnished to the insurer within thirty-one (31) days after the date of birth in order to have the coverage continue beyond that thirty-one (31) day period.
- (4) (a) For purposes of this subsection:
 1. "Amino acid modified preparation" means a product intended for the dietary treatment of an inherited metabolic disease listed in KRS 205.560(1)(c) under the direction of a physician; and
 2. "Low-protein modified food" means a product formulated to have less than one (1) gram of protein per serving and intended for the dietary treatment of an inherited metabolic disease listed in KRS 205.560(1)(c) under the direction of a physician.
- (b) A health benefit plan that provides prescription drug coverage shall provide that coverage for amino acid modified preparations and low-protein modified food products for the treatment of inherited metabolic diseases if the amino acid ***modified preparations and low-protein modified food*** products are prescribed for the therapeutic treatment of inherited metabolic diseases and are administered under the direction of a physician. Coverage under this subsection may be subject, for each plan year, to a cap of ***twenty-five thousand dollars (\$25,000) for medical formulas and a separate cap for each plan year of*** four thousand dollars (\$4,000) on ***low protein modified foods***~~[both individual medical food prescription expenditures and medical formulas]~~, subject to annual inflation adjustments.
- (5) The requirements of this section shall apply to all health benefit plans delivered on and after ***the effective date of this Act***~~[July 14, 2000]~~.
- (6) Nothing in this section or KRS 205.560, 213.141. or 214.155 shall be construed to require a health benefit plan to provide coverage for an amino acid modified preparation or low-protein modified food for the treatment of lactose intolerance, protein intolerance, food allergy, food sensitivity, or any other condition or disease not listed in KRS 205.560(1)(c).

Approved April 5, 2002