

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2016 REGULAR SESSION
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Amend printed copy of SB 18/GA

On page 5, delete line 25 and insert in lieu thereof

"➔Section 4. KRS 304.17A-258 is amended to read as follows:

(1) For purposes of this section:

(a) "Therapeutic food, formulas, and supplements" means products intended for the dietary treatment of inborn errors of metabolism or genetic conditions, **including but not limited to mitochondrial disease,** under the direction of a physician, **and includes the use of vitamin and nutritional supplements such as coenzyme Q10, vitamin E, vitamin C, vitamin B1, vitamin B2, vitamin K1, and L-carnitine;** and

(b) "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 inborn errors of metabolism or genetic conditions under the direction of a physician.

(2) A health benefit plan that provides prescription drug coverage shall include in that coverage therapeutic food, formulas, supplements, and low-protein modified food products for the treatment of inborn errors of metabolism or genetic conditions, **including those that are compounded,** if the therapeutic food, formulas, supplements, and low-protein modified food products are obtained for the therapeutic treatment of inborn errors of metabolism or genetic conditions, **including but not limited to mitochondrial disease,** under the direction

Amendment No. HFA 1

Sponsor: Rep. Rita Smart

Committee Amendment: _____

Signed: _____

Floor Amendment: _____

LRC Drafter: Donaldson, Sean

Adopted: _____

Date: _____

Rejected: _____

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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 therapeutic food, formulas, and supplements and a separate cap for each plan year of four thousand dollars (\$4,000) on low-protein modified foods. Each cap shall be subject to annual inflation adjustments based on the consumer price index. **Coverage under this section shall not be denied because two (2) or more supplements are compounded.**

- (3) The requirements of this section shall apply to all health benefit plans issued or renewed on and after **the effective date of this Act**[July 15, 2008].
- (4) 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 therapeutic foods, formulas, supplements, or low-protein modified food for the treatment of lactose intolerance, protein intolerance, food allergy, food sensitivity, or any other condition or disease that is not an inborn error of metabolism or genetic condition.

➔Section 5. This Act takes effect January 1, 2017."