

Regular Session, 2003

**ACT No. 829**

SENATE BILL NO. 666

BY SENATOR HEITMEIER AND REPRESENTATIVES FAUCHEUX  
AND TOWNSEND

AN ACT

To amend and reenact R.S. 22:2002(3) and (6) and to enact R.S. 22:2004.2 and 3018.1, relative to health insurance; to require coverage for low protein food products to treat certain diseases by certain health organizations and self-insured entities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2002(3) and (6) are hereby amended and reenacted and R.S. 22:2004.2 and 3018.1 are hereby enacted to read as follows:

§2002. Definitions

As used in this Part:

\* \* \*

(3) "Basic health care services" means emergency care, inpatient hospital and physician care, outpatient medical and chiropractic services, and laboratory and x-ray services. The term shall include optional coverage for mental health services for alcohol or drug abuse. With respect to chiropractic services, such services shall be provided on a referral basis at the request of the enrollee who presents a condition of an orthopedic or neurological nature necessitating referral, the treatment for which falls within the scope of a licensed chiropractor.

**Effective January 1, 2004, the term shall also include coverage for**

low protein food products as provided in R.S. 22:2004.2.

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(6) "Health care services" means any services rendered by providers which include but are not limited to medical and surgical care; psychological, optometric, optic, chiropractic, podiatric, nursing, and pharmaceutical services; health education, rehabilitative, and home health services; physical therapy; inpatient and outpatient hospital services; dietary and nutritional services; laboratory and ambulance services; and any other services for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability. Health care services shall also mean dental care, limited to oral and maxillofacial surgery as performed by board qualified oral and maxillofacial surgeons. Effective January 1, 1992, the term shall also include an annual Pap test for cervical cancer and minimum mammography examination as defined in R.S. 22:215.11. **Effective January 1, 2004, the term shall also include coverage for low protein food products as provided in R.S. 22:2004.2.**

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§2004.2. Inherited metabolic diseases; coverage for food products

**R.S. 22:2004.2 is all new law.**

A. Every health maintenance organization granted a certificate of authority under this Part and every insurer licensed under the provisions of Part IV of Chapter 1 of this Title that engages in health maintenance organization activities authorized and regulated pursuant to this Part shall provide coverage to each enrollee or family member of an enrollee, subject to applicable deductibles, coinsurance, and copayments, for low protein food products for treatment of inherited

metabolic diseases, if the low protein food products are medically necessary and, if applicable, are obtained from a source approved by the health maintenance organization or health insurer, provided coverage will not be denied if the health maintenance organization or health insurer does not approve a source.

B. As used in this Section, the following words shall have the following meanings:

(1) "Inherited metabolic disease" shall mean a disease caused by an inherited abnormality of body chemistry. These diseases shall be limited to:

- (a) Glutaric Acidemia.
- (b) Isovaleric Acidemia (IVA).
- (c) Maple Syrup Urine Disease (MSUD).
- (d) Methylmalonic Acidemia (MMA).
- (e) Phenylketonuria (PKU)
- (f) Propionic Acidemia.
- (g) Tyrosinemia.
- (h) Urea Cycle Defects.

(2) "Low protein food products" shall mean a food product that is especially formulated to have less than one gram of protein per serving and is intended to be used under the direction of a physician for the dietary treatment of an inherited metabolic disease. Low protein food products shall not include a natural food that is naturally low in protein.

C. Coverage provided pursuant to this Section shall not exceed eligible benefits of two hundred dollars per month.

D. The provisions of this Section shall apply to any new policy,

contract, program, or plan issued by an entity subject to the provisions of this Section on or after January 1, 2004. Any such policy, contract, program, or plan in effect prior to January 1, 2004 shall convert to the provisions of this Section on or before the renewal date thereof but in no event later than January 1, 2005.

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§3018.1. Inherited metabolic diseases; coverage for food products

**R.S. 22:3018.1 is all new law.**

A. Every self-insurer and self-insurance plan, as defined in this Chapter, which are subject to the jurisdiction of the commissioner under Chapter 1 of this Title shall provide coverage, subject to applicable deductibles, coinsurance, and copayments, for low protein food products for treatment of inherited metabolic diseases, if the low protein food products are medically necessary and, if applicable, are obtained from a source approved by the self-insurer or self-insurance plan, provided coverage will not be denied if the self-insurer or self-insurance plan does not approve a source.

B. As used in this Section, the following words shall have the following meanings:

(1) "Inherited metabolic disease" shall mean a disease caused by an inherited abnormality of body chemistry. Such diseases shall be limited to:

- (a) Glutaric Acidemia.
- (b) Isovaleric Acidemia (IVA).
- (c) Maple Syrup Urine Disease (MSUD).
- (d) Methylmalonic Acidemia (MMA).
- (e) Phenylketonuria (PKU)

(f) Propionic Acidemia.

(g) Tyrosinemia.

(h) Urea Cycle Defects.

(2) "Low protein food products" shall mean a food product that is especially formulated to have less than one gram of protein per serving and is intended to be used under the direction of a physician for the dietary treatment of an inherited metabolic disease. Low protein food products shall not include a natural food that is naturally low in protein.

C. Coverage provided pursuant to this Section shall not exceed eligible benefits of two hundred dollars per month.

D. The provisions of this Section shall apply to any new policy, contract, program, or plan issued by an entity subject to the provisions of this Section on or after January 1, 2004. Any such policy, contract, program, or plan in effect prior to January 1, 2004 shall convert to the provisions of this Section on or before the renewal date thereof but in no event later than January 1, 2005.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_