

HOUSE No. 984

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing for certain health insurance coverage.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------------|-----------------------|
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> |
| <i>Paul J. Donato</i> | <i>35th Middlesex</i> |
| <i>Patricia A. Haddad</i> | <i>5th Bristol</i> |
| <i>James J. O'Day</i> | <i>14th Worcester</i> |
| <i>Kenneth I. Gordon</i> | <i>21st Middlesex</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> |
| <i>Steven Ultrino</i> | <i>33rd Middlesex</i> |
| <i>David Allen Robertson</i> | <i>19th Middlesex</i> |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> |
| <i>Brendan P. Crighton</i> | <i>Third Essex</i> |
| <i>Thomas A. Golden, Jr.</i> | <i>16th Middlesex</i> |
| <i>Patrick Joseph Kearney</i> | <i>4th Plymouth</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>John C. Velis</i> | <i>4th Hampden</i> |

HOUSE No. 984

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 984) of Sean Garballey and others relative to providing certain health insurance coverage. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act providing for certain health insurance coverage.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 17A of chapter 32A of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out the first sentence and inserting in place
3 thereof the following 4 sentences:-

4 The commission shall provide to any active or retired employee of the commonwealth
5 who is insured under the group insurance commission coverage for the cost of enteral formulas
6 for home use, whether administered orally or via tube feeding, for which a physician has issued a
7 written order. Such written order shall state that the enteral formula is clearly medically
8 necessary and has been proven effective as a disease-specific treatment regimen for those
9 individuals who are or will become malnourished or suffer from disorders, which if left
10 untreated, cause chronic physical or intellectual disability or death. Specific diseases for which
11 enteral formulas have been proven effective shall include, but are not limited to, inherited
12 diseases of amino acid or organic acid metabolism; eosinophilic gastrointestinal disorders;
13 Crohn's Disease; gastroesophageal reflux with failure to thrive; disorders of gastrointestinal

14 motility such as chronic intestinal pseudo-obstruction; and multiple, severe food allergies, which
15 if left untreated will cause malnourishment, chronic physical or intellectual disability or death.
16 Enteral formulas which are medically necessary and taken under written order from a physician
17 for the treatment of specific diseases shall be distinguished from nutritional supplements taken
18 electively.

19 SECTION 2. Section 47I of chapter 175 of the General Laws, as so appearing, is hereby
20 amended by striking out the first sentence and inserting in place thereof the following 4
21 sentences:-

22 Any individual policy of accident and sickness insurance issued pursuant to section 108,
23 and any group blanket policy of accident and sickness insurance issued pursuant to section 110,
24 shall provide coverage for the cost of enteral formulas for home use, whether administered orally
25 or via tube feeding, for which a physician has issued a written order. Such written order shall
26 state that the enteral formula is clearly medically necessary and has been proven effective as a
27 disease-specific treatment regimen for those individuals who are or will become malnourished or
28 suffer from disorders, which if left untreated, cause chronic physical or intellectual disability or
29 death. Specific diseases for which enteral formulas have been proven effective shall include, but
30 are not limited to, inherited diseases of amino acid or organic acid metabolism; eosinophilic
31 gastrointestinal disorders; Crohn's Disease; gastroesophageal reflux with failure to thrive;
32 disorders of gastrointestinal motility such as chronic intestinal pseudo-obstruction; and multiple,
33 severe food allergies, which if left untreated will cause malnourishment, chronic physical or
34 intellectual disability or death. Enteral formulas which are medically necessary and taken under
35 written order from a physician for the treatment of specific diseases shall be distinguished from
36 nutritional supplements taken electively.

37 SECTION 3. Section 8L of chapter 176A of the General Laws, as so appearing, is hereby
38 amended by striking out the first sentence and inserting in place thereof the following 4
39 sentences:-

40 Any contract between a subscriber and the corporation under an individual or group
41 hospital service plan that shall be delivered, issued or renewed in the commonwealth shall
42 provide, as benefits to all individual subscribers and members within the commonwealth,
43 coverage for the cost of enteral formulas for home use, whether administered orally or via tube
44 feeding, for which a physician has issued a written order. Such written order shall state that the
45 enteral formula is clearly medically necessary and has been proven effective as a disease-specific
46 treatment regimen for those individuals who are or will become malnourished or suffer from
47 disorders, which if left untreated, cause chronic physical or intellectual disability or death.
48 Specific diseases for which enteral formulas have been proven effective shall include, but are not
49 limited to, inherited diseases of amino acid or organic acid metabolism; eosinophilic
50 gastrointestinal disorders; Crohn's Disease; gastroesophageal reflux with failure to thrive;
51 disorders of gastrointestinal motility such as chronic intestinal pseudo-obstruction; and multiple,
52 severe food allergies, which if left untreated will cause malnourishment, chronic physical or
53 intellectual disability or death. Enteral formulas which are medically necessary and taken under
54 written order from a physician for the treatment of specific diseases shall be distinguished from
55 nutritional supplements taken electively.

56 SECTION 4. Section 4K of chapter 176B of the General Laws, as so appearing, is hereby
57 amended by striking out the first sentence and inserting in place thereof the following 4
58 sentences:-

59 Any subscription certificate under an individual or group medical service agreement that
60 shall be delivered, issued or renewed in the commonwealth shall provide, as benefits to all
61 individual subscribers and members within the commonwealth, all group members having a
62 principal place of employment within the commonwealth and all persons included in section 4C,
63 coverage for the cost of enteral formulas for home use, whether administered orally or via tube
64 feeding, for which a physician has issued a written order. Such written order shall state that the
65 enteral formula is clearly medically necessary and has been proven effective as a disease-specific
66 treatment regimen for those individuals who are or will become malnourished or suffer from
67 disorders, which if left untreated, cause chronic physical or intellectual disability or death.
68 Specific diseases for which enteral formulas have been proven effective shall include, but are not
69 limited to, inherited diseases of amino acid or organic acid metabolism; eosinophilic
70 gastrointestinal disorders; Crohn's Disease; gastroesophageal reflux with failure to thrive;
71 disorders of gastrointestinal motility such as chronic intestinal pseudo-obstruction; and multiple,
72 severe food allergies, which if left untreated will cause malnourishment, chronic physical or
73 intellectual disability or death. Enteral formulas which are medically necessary and taken under
74 written order from a physician for the treatment of specific diseases shall be distinguished from
75 nutritional supplements taken electively.

76 SECTION 5. Section 4D of chapter 176G of the General Laws, as so appearing, is hereby
77 amended by striking out the first sentence and inserting in place thereof the following 4
78 sentences:-

79 A group health maintenance contract shall provide coverage for the cost of enteral
80 formulas for home use, whether administered orally or via tube feeding, for which a physician
81 has issued a written order. Such written order shall state that the enteral formula is clearly

82 medically necessary and has been proven effective as a disease-specific treatment regimen for
83 those individuals who are or will become malnourished or suffer from disorders, which if left
84 untreated, cause chronic physical or intellectual disability or death. Specific diseases for which
85 enteral formulas have been proven effective shall include, but are not limited to, inherited
86 diseases of amino acid or organic acid metabolism; eosinophilic gastrointestinal disorders;
87 Crohn's Disease; gastroesophageal reflux with failure to thrive; disorders of gastrointestinal
88 motility such as chronic intestinal pseudo-obstruction; and multiple, severe food allergies, which
89 if left untreated will cause malnourishment, chronic physical or intellectual disability or death.
90 Enteral formulas which are medically necessary and taken under written order from a physician
91 for the treatment of specific diseases shall be distinguished from nutritional supplements taken
92 electively.