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SENATE BILL 5130

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State of Washington                      63rd Legislature                      2013 Regular Session

By Senators Frockt, Conway, Keiser, Tom, Kohl-Welles, and Schlicher

Read first time 01/21/13. Referred to Committee on Health Care .

1            AN ACT Relating to eosinophilia gastrointestinal associated  
2 disorders; and amending RCW 48.20.520, 48.21.300, 48.44.440, and  
3 48.46.510.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 48.20.520 and 1988 c 173 s 1 are each amended to read  
6 as follows:

7            ~~((1) The legislature finds that:~~

8            ~~(a) Phenylketonuria is a rare inherited genetic disorder.~~

9            ~~(b) Children with phenylketonuria are unable to metabolize an~~  
10 ~~essential amino acid, phenylalanine, which is found in the proteins of~~  
11 ~~most food.~~

12            ~~(c) To remain healthy, children with phenylketonuria must maintain~~  
13 ~~a strict diet and ingest a mineral and vitamin enriched formula.~~

14            ~~(d) Children who do not maintain their diets with the formula~~  
15 ~~acquire severe mental and physical difficulties.~~

16            ~~(e) Originally, the formulas were listed as prescription drugs but~~  
17 ~~were reclassified as medical foods to increase their availability.~~

18            ~~(2))~~ Subject to requirements and exceptions which may be  
19 established by rules adopted by the commissioner, any disability

1 insurance contract delivered or issued for delivery or renewed in this  
2 state on or after September 1, 1988, that insures for hospital or  
3 medical expenses shall provide coverage for the formulas necessary for  
4 the treatment of phenylketonuria. Contracts issued or renewed on or  
5 after January 1, 2016, or upon the earliest update of the benchmark  
6 plan, as defined in RCW 48.43.715 shall include formulas necessary for  
7 the treatment of eosinophilia gastrointestinal associated disorders,  
8 regardless of the delivery method of the formula.

9 **Sec. 2.** RCW 48.21.300 and 1988 c 173 s 2 are each amended to read  
10 as follows:

11 ~~((1) The legislature finds that:~~

12 ~~(a) Phenylketonuria is a rare inherited genetic disorder.~~

13 ~~(b) Children with phenylketonuria are unable to metabolize an~~  
14 ~~essential amino acid, phenylalanine, which is found in the proteins of~~  
15 ~~most food.~~

16 ~~(c) To remain healthy, children with phenylketonuria must maintain~~  
17 ~~a strict diet and ingest a mineral and vitamin enriched formula.~~

18 ~~(d) Children who do not maintain their diets with the formula~~  
19 ~~acquire severe mental and physical difficulties.~~

20 ~~(e) Originally, the formulas were listed as prescription drugs but~~  
21 ~~were reclassified as medical foods to increase their availability.~~

22 ~~(2))~~ Subject to requirements and exceptions which may be  
23 established by rules adopted by the commissioner, any group disability  
24 insurance contract delivered or issued for delivery or renewed in this  
25 state on or after September 1, 1988, that insures for hospital or  
26 medical expenses shall provide coverage for the formulas necessary for  
27 the treatment of phenylketonuria. Contracts issued or renewed on or  
28 after January 1, 2016, or upon the earliest update of the benchmark  
29 plan, as defined in RCW 48.43.715 shall include formulas necessary for  
30 the treatment of eosinophilia gastrointestinal associated disorders,  
31 regardless of the delivery method of the formula.

32 **Sec. 3.** RCW 48.44.440 and 1988 c 173 s 3 are each amended to read  
33 as follows:

34 ~~((1) The legislature finds that:~~

35 ~~(a) Phenylketonuria is a rare inherited genetic disorder.~~

1       ~~(b) Children with phenylketonuria are unable to metabolize an~~  
2 ~~essential amino acid, phenylalanine, which is found in the proteins of~~  
3 ~~most food.~~

4       ~~(c) To remain healthy, children with phenylketonuria must maintain~~  
5 ~~a strict diet and ingest a mineral and vitamin enriched formula.~~

6       ~~(d) Children who do not maintain their diets with the formula~~  
7 ~~acquire severe mental and physical difficulties.~~

8       ~~(e) Originally, the formulas were listed as prescription drugs but~~  
9 ~~were reclassified as medical foods to increase their availability.~~

10       (2)) Subject to requirements and exceptions which may be  
11 established by rules adopted by the commissioner, any contract for  
12 health care services delivered or issued for delivery or renewed in  
13 this state on or after September 1, 1988, shall provide coverage for  
14 the formulas necessary for the treatment of phenylketonuria. Contracts  
15 issued or renewed on or after January 1, 2016, or upon the earliest  
16 update of the benchmark plan, as defined in RCW 48.43.715 shall include  
17 formulas necessary for the treatment of eosinophilia gastrointestinal  
18 associated disorders, regardless of the delivery method of the formula.

19       **Sec. 4.** RCW 48.46.510 and 1988 c 173 s 4 are each amended to read  
20 as follows:

21       (1) ~~((The legislature finds that:~~

22       ~~(a) Phenylketonuria is a rare inherited genetic disorder.~~

23       ~~(b) Children with phenylketonuria are unable to metabolize an~~  
24 ~~essential amino acid, phenylalanine, which is found in the proteins of~~  
25 ~~most food.~~

26       ~~(c) To remain healthy, children with phenylketonuria must maintain~~  
27 ~~a strict diet and ingest a mineral and vitamin enriched formula.~~

28       ~~(d) Children who do not maintain their diets with the formula~~  
29 ~~acquire severe mental and physical difficulties.~~

30       ~~(e) Originally, the formulas were listed as prescription drugs but~~  
31 ~~were reclassified as medical foods to increase their availability.~~

32       (2)) Subject to requirements and exceptions which may be  
33 established by rules adopted by the commissioner, any agreement for  
34 health care services delivered or issued for delivery or renewed in  
35 this state on or after September 1, 1988, shall provide coverage for  
36 the formulas necessary for the treatment of phenylketonuria. Contracts  
37 issued or renewed on or after January 1, 2016, or upon the earliest

1 update of the benchmark plan, as defined in RCW 48.43.715 shall include  
2 formulas necessary for the treatment of eosinophilia gastrointestinal  
3 associated disorders, regardless of the delivery method of the formula.

4 (2) Such formulas shall be covered when deemed medically necessary  
5 by the medical director or his or her designee of the health  
6 maintenance organization and if provided by the health maintenance  
7 organization or upon the health maintenance organization's referral.  
8 Formulas shall be covered at the usual and customary rates for such  
9 formulas, subject to contract provisions with respect to deductible  
10 amounts or co-payments.

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