RECALLED

April 10, 2014

**H. 4996**

Introduced by Rep. Brannon

S. Printed 4/10/14--H. [SEC 4/11/14 4:06 PM]

Read the first time March 27, 2014.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑71‑277 SO AS TO REQUIRE ACCIDENT AND HEALTH INSURANCE POLICIES AND HEALTH MAINTENANCE ORGANIZATIONS TO COVER CERTAIN AMINO ACID‑BASED ELEMENTAL FORMULAS FOR THE TREATMENT OF CERTAIN DISEASES OR DISORDERS, TO PROHIBIT DENIAL OF THIS COVERAGE FOR TREATMENT ORDERED AS MEDICALLY NECESSARY BY A TREATING PHYSICIAN, AND TO PROVIDE THIS COVERAGE MUST BE FAVORABLE FOR PRESCRIPTION DRUGS AND SERVICES COVERED BY THE PLAN.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 71, Title 38 of the 1976 Code is amended by adding:

“Section 38‑71‑277. (A) An individual or group accident and health insurance policy or a health maintenance organization plan must include coverage for amino acid‑based elemental formulas, regardless of the formula delivery method, that are used for the diagnosis and treatment of immunoglobulin E and nonimmunoglobulin E medicated allergies to multiple food proteins; severe food protein‑induced enterocolitis syndrome; eosinophilic disorders evidenced by biopsy results; and impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, and motility of the gastrointestinal tract.

(B) Subject to the provisions of subsection (C), an individual or group accident and health insurer shall not deny coverage required pursuant to subsection (A) when a treating physician issues a written order stating that the amino acid‑based elemental formula is medically necessary for the treatment of an insured who is diagnosed with a disease or disorder listed in subsection (A), and this coverage must cover any medically necessary services associated with the administration of the formula.

(C) Coverage provided under this section must be on a basis no less favorable than the basis on which prescription drugs and other medications and related services covered by the plan, and to the same extent that the plan provides coverage for drugs available only on the orders of a physician.”

SECTION 2. This act takes effect upon approval by the Governor.

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