

17:48-65

LEGISLATIVE HISTORY CHECKLIST

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(Food products--inherited diseases)

NJSA: 17:48-65 et al

LAWS OF: 1997 **CHAPTER:** 338

BILL NO: S1887

SPONSOR(S): Schluter

DATE INTRODUCED: March 10, 1997

COMMITTEE: **ASSEMBLY:** Insurance

SENATE: Health

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by
Second reprint enacted superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** December 18, 1997

SENATE: June 26, 1997

DATE OF APPROVAL: January 12, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FISCAL NOTE: No

VE TO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

KBP:pp

§1
C. 17:48-6s
§2 C. 17:48A-7q
§3 C. 17:48E-35.16
§4 C. 17B:26-2.1o
§5 C. 17B:27-46.1r
§6 C. 17B:27A-7.4
§7 C. 17B:27A-19.6
§8 C. 26:2J-4.17
§9 C. 52:14-17.29c

P.L. 1997, CHAPTER 338, *approved January 12, 1998*
Senate, No. 1887 (*Second Reprint*)

1 AN ACT concerning coverage for foods and food products for
2 inherited metabolic diseases and supplementing P.L.1938, c.366
3 (C.17:48-1 et seq.), P.L.1940, c.74 (C.17:48A-1 et seq.), P.L.1985,
4 c.236 (C.17:48E-1 et seq.), chapter 26 of Title 17B of the New
5 Jersey Statutes, chapter 27 of Title 17B of the New Jersey Statutes,
6 P.L.1992, c.161 (C.17B:27A-2 et seq.), P.L.1992, c.162
7 (C.17B:27A-17 et seq.) ²[and], ²P.L.1973, c.337 (C.26:2J-1 et
8 seq.) ²and P.L.1961, c.49 (C.52:14-17.25 et seq.)².

9
10 **BE IT ENACTED** by the Senate and General Assembly of the State
11 of New Jersey:

12
13 1. No group or individual hospital service corporation contract
14 providing hospital or medical expense benefits shall be delivered,
15 issued, executed or renewed in this State, or approved for issuance or
16 renewal in this State by the Commissioner of Banking and Insurance
17 on or after the effective date of this act, unless the contract provides
18 benefits to each person covered thereunder for expenses incurred in
19 the therapeutic treatment of inherited metabolic diseases, including the
20 purchase of medical foods and low protein modified food products,
21 when diagnosed and determined to be medically necessary by the
22 covered person's physician.

23 For the purposes of this section, "inherited metabolic disease"
24 means a disease caused by an inherited abnormality of body chemistry
25 ¹[and includes those diseases]¹ for which testing is mandated pursuant
26 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food
27 product" means a food product that is specially formulated to have less
28 than one gram of protein per serving and is intended to be used under
29 the direction of a physician for the dietary treatment of an inherited
30 metabolic disease, but does not include a natural food that is naturally
31 low in protein; and "medical food" means a food that is intended for

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted June 12, 1997.

² Assembly AIN committee amendments adopted December 11, 1997.

1 the dietary treatment of a disease or condition for which nutritional
2 requirements are established by medical evaluation and is formulated
3 to be consumed or administered enterally under direction of a
4 physician.

5 The benefits shall be provided to the same extent as for any other
6 medical condition under the contract.

7 The provisions of this section shall apply to all contracts in which
8 the hospital service corporation has reserved the right to change the
9 premium.

10

11 2. No group or individual medical service corporation contract
12 providing hospital or medical expense benefits shall be delivered,
13 issued, executed or renewed in this State, or approved for issuance or
14 renewal in this State by the Commissioner of Banking and Insurance
15 on or after the effective date of this act, unless the contract provides
16 benefits to each person covered thereunder for expenses incurred in
17 the therapeutic treatment of inherited metabolic diseases, including the
18 purchase of medical foods and low protein modified food products,
19 when diagnosed and determined to be medically necessary by the
20 covered person's physician.

21 For the purposes of this section, "inherited metabolic disease"
22 means a disease caused by an inherited abnormality of body chemistry
23 ¹[and includes those diseases]¹ for which testing is mandated pursuant
24 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food
25 product" means a food product that is specially formulated to have less
26 than one gram of protein per serving and is intended to be used under
27 the direction of a physician for the dietary treatment of an inherited
28 metabolic disease, but does not include a natural food that is naturally
29 low in protein; and "medical food" means a food that is intended for
30 the dietary treatment of a disease or condition for which nutritional
31 requirements are established by medical evaluation and is formulated
32 to be consumed or administered enterally under direction of a
33 physician.

34 The benefits shall be provided to the same extent as for any other
35 medical condition under the contract.

36 The provisions of this section shall apply to all contracts in which
37 the medical service corporation has reserved the right to change the
38 premium.

39

40 3. No group or individual health service corporation contract
41 providing hospital or medical expense benefits shall be delivered,
42 issued, executed or renewed in this State, or approved for issuance or
43 renewal in this State by the Commissioner of Banking and Insurance
44 on or after the effective date of this act, unless the contract provides
45 benefits to each person covered thereunder for expenses incurred in
46 the therapeutic treatment of inherited metabolic diseases, including the

1 purchase of medical foods and low protein modified food products,
2 when diagnosed and determined to be medically necessary by the
3 covered person's physician.

4 For the purposes of this section, "inherited metabolic disease"
5 means a disease caused by an inherited abnormality of body chemistry
6 ¹[and includes those diseases]¹ for which testing is mandated pursuant
7 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food
8 product" means a food product that is specially formulated to have less
9 than one gram of protein per serving and is intended to be used under
10 the direction of a physician for the dietary treatment of an inherited
11 metabolic disease, but does not include a natural food that is naturally
12 low in protein; and "medical food" means a food that is intended for
13 the dietary treatment of a disease or condition for which nutritional
14 requirements are established by medical evaluation and is formulated
15 to be consumed or administered enterally under direction of a
16 physician.

17 The benefits shall be provided to the same extent as for any other
18 medical condition under the contract.

19 The provisions of this section shall apply to all contracts in which
20 the health service corporation has reserved the right to change the
21 premium.

22
23 4. No individual health insurance policy providing hospital or
24 medical expense benefits shall be delivered, issued, executed or
25 renewed in this State, or approved for issuance or renewal in this State
26 by the Commissioner of Banking and Insurance on or after the
27 effective date of this act, unless the policy provides benefits to each
28 person covered thereunder for expenses incurred in the therapeutic
29 treatment of inherited metabolic diseases, including the purchase of
30 medical foods and low protein modified food products, when
31 diagnosed and determined to be medically necessary by the covered
32 person's physician.

33 For the purposes of this section, "inherited metabolic disease"
34 means a disease caused by an inherited abnormality of body chemistry
35 ¹[and includes those diseases]¹ for which testing is mandated pursuant
36 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food
37 product" means a food product that is specially formulated to have less
38 than one gram of protein per serving and is intended to be used under
39 the direction of a physician for the dietary treatment of an inherited
40 metabolic disease, but does not include a natural food that is naturally
41 low in protein; and "medical food" means a food that is intended for
42 the dietary treatment of a disease or condition for which nutritional
43 requirements are established by medical evaluation and is formulated
44 to be consumed or administered enterally under direction of a
45 physician.

46 The benefits shall be provided to the same extent as for any other

1 medical condition under the policy.

2 The provisions of this section shall apply to all policies in which the
3 insurer has reserved the right to change the premium.

4
5 5. No group health insurance policy providing hospital or medical
6 expense benefits shall be delivered, issued, executed or renewed in this
7 State, or approved for issuance or renewal in this State by the
8 Commissioner of Banking and Insurance on or after the effective date
9 of this act, unless the policy provides benefits to each person covered
10 thereunder for expenses incurred in the therapeutic treatment of
11 inherited metabolic diseases, including the purchase of medical foods
12 and low protein modified food products, when diagnosed and
13 determined to be medically necessary by the covered person's
14 physician.

15 For the purposes of this section, "inherited metabolic disease"
16 means a disease caused by an inherited abnormality of body chemistry
17 ¹[and includes those diseases]¹ for which testing is mandated pursuant
18 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food
19 product" means a food product that is specially formulated to have less
20 than one gram of protein per serving and is intended to be used under
21 the direction of a physician for the dietary treatment of an inherited
22 metabolic disease, but does not include a natural food that is naturally
23 low in protein; and "medical food" means a food that is intended for
24 the dietary treatment of a disease or condition for which nutritional
25 requirements are established by medical evaluation and is formulated
26 to be consumed or administered enterally under direction of a
27 physician.

28 The benefits shall be provided to the same extent as for any other
29 medical condition under the policy.

30 The provisions of this section shall apply to all policies in which the
31 insurer has reserved the right to change the premium.

32

33 6. No individual health benefits plan subject to the provisions of
34 P.L.1992, c.161 (C.17B:27A-2 et seq.) shall be delivered, issued,
35 executed or renewed in this State, or approved for issuance or renewal
36 in this State on or after the effective date of this act, unless the health
37 benefits plan provides benefits to each person covered thereunder for
38 expenses incurred in the therapeutic treatment of inherited metabolic
39 diseases, including the purchase of medical foods and low protein
40 modified food products, when diagnosed and determined to be
41 medically necessary by the covered person's physician.

42 For the purposes of this section, "inherited metabolic disease"
43 means a disease caused by an inherited abnormality of body chemistry
44 ¹[and includes those diseases]¹ for which testing is mandated pursuant
45 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food
46 product" means a food product that is specially formulated to have less

1 than one gram of protein per serving and is intended to be used under
2 the direction of a physician for the dietary treatment of an inherited
3 metabolic disease, but does not include a natural food that is naturally
4 low in protein; and "medical food" means a food that is intended for
5 the dietary treatment of a disease or condition for which nutritional
6 requirements are established by medical evaluation and is formulated
7 to be consumed or administered enterally under direction of a
8 physician.

9 The benefits shall be provided to the same extent as for any other
10 medical condition under the health benefits plan.

11 The provisions of this section shall apply to all health benefits plans
12 in which the carrier has reserved the right to change the premium.

13

14 7. No small employer health benefits plan subject to the provisions
15 of P.L.1992, c.162 (C.17B:27A-17 et seq.) shall be delivered, issued,
16 executed or renewed in this State, or approved for issuance or renewal
17 in this State on or after the effective date of this act, unless the health
18 benefits plan provides benefits to each person covered thereunder for
19 expenses incurred in the therapeutic treatment of inherited metabolic
20 diseases, including the purchase of medical foods and low protein
21 modified food products, when diagnosed and determined to be
22 medically necessary by the covered person's physician.

23 For the purposes of this section, "inherited metabolic disease"
24 means a disease caused by an inherited abnormality of body chemistry
25 ¹[and includes those diseases]¹ for which testing is mandated pursuant
26 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food
27 product" means a food product that is specially formulated to have less
28 than one gram of protein per serving and is intended to be used under
29 the direction of a physician for the dietary treatment of an inherited
30 metabolic disease, but does not include a natural food that is naturally
31 low in protein; and "medical food" means a food that is intended for
32 the dietary treatment of a disease or condition for which nutritional
33 requirements are established by medical evaluation and is formulated
34 to be consumed or administered enterally under direction of a
35 physician.

36 The benefits shall be provided to the same extent as for any other
37 medical condition under the health benefits plan.

38 The provisions of this section shall apply to all health benefits plans
39 in which the carrier has reserved the right to change the premium.

40

41 8. Notwithstanding any provision of law to the contrary, a
42 certificate of authority to establish and operate a health maintenance
43 organization in this State shall not be issued or continued by the
44 Commissioner of Health and Senior Services on or after the effective
45 date of this act unless the health maintenance organization provides
46 health care services to each enrollee for the therapeutic treatment of

1 inherited metabolic diseases, including the purchase of medical foods
2 and low protein modified food products, when diagnosed and
3 determined to be medically necessary by the enrollee's physician.

4 For the purposes of this section, "inherited metabolic disease"
5 means a disease caused by an inherited abnormality of body chemistry
6 ¹[and includes those diseases]¹ for which testing is mandated pursuant
7 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food
8 product" means a food product that is specially formulated to have less
9 than one gram of protein per serving and is intended to be used under
10 the direction of a physician for the dietary treatment of an inherited
11 metabolic disease, but does not include a natural food that is naturally
12 low in protein; and "medical food" means a food that is intended for
13 the dietary treatment of a disease or condition for which nutritional
14 requirements are established by medical evaluation and is formulated
15 to be consumed or administered enterally under direction of a
16 physician.

17 The health care services shall be provided to the same extent as for
18 any other medical condition under the contract.

19 The provisions of this section shall apply to all contracts for health
20 care services by health maintenance organizations under which the
21 right to change the schedule of charges for enrollee coverage is
22 reserved.

23
24 ²9. The State Health Benefits Commission shall provide benefits to
25 each person covered under the State Health Benefits Program for the
26 therapeutic treatment of inherited metabolic diseases, including the
27 purchase of medical foods and low protein modified food products,
28 when diagnosed and determined to be medically necessary by the
29 covered person's physician.

30 For the purposes of this section, "inherited metabolic disease"
31 means a disease caused by an inherited abnormality of body chemistry
32 for which testing is mandated pursuant to P.L.1977, c.321 (C.26:2-
33 110 et seq.); "low protein modified food product" means a food
34 product that is specially formulated to have less than one gram of
35 protein per serving and is intended to be used under the direction of
36 a physician for the dietary treatment of an inherited metabolic disease,
37 but does not include a natural food that is naturally low in protein; and
38 "medical food" means a food that is intended for the dietary treatment
39 of a disease or condition for which nutritional requirements are
40 established by medical evaluation and is formulated to be consumed or
41 administered enterally under direction of a physician.

42 The health care services shall be provided to the same extent as for
43 any other medical condition under the program.²

1 ²[9.] 10.² This act shall take effect immediately.

2

3

4

5

6 Mandates health insurance coverage for foods and food products for
7 inherited metabolic diseases.

1 P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food
2 product" means a food product that is specially formulated to have less
3 than one gram of protein per serving and is intended to be used under
4 the direction of a physician for the dietary treatment of an inherited
5 metabolic disease, but does not include a natural food that is naturally
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12 any other medical condition under the contract.

13 The provisions of this section shall apply to all contracts for health
14 care services by health maintenance organizations under which the
15 right to change the schedule of charges for enrollee coverage is
16 reserved.

17

18 9. This act shall take effect immediately.

19

20

21

STATEMENT

22

23 This bill requires hospital, medical and health service corporations,
24 individual, small employer and large group insurers and health
25 maintenance organizations to provide coverage for the therapeutic
26 treatment of inherited metabolic diseases, including the purchase of
27 medical foods and low protein modified food products, when
28 diagnosed and determined to be medically necessary by the covered
29 person's physician.

30 The bill defines "inherited metabolic disease" as a disease caused by
31 an inherited abnormality of body chemistry and includes those diseases
32 for which testing is mandated pursuant to P.L.1977, c.321 (C.26:2-
33 110 et seq.), including phenylketonuria (PKU). "Low protein modified
34 food product" is a food product that is specially formulated to have
35 less than one gram of protein per serving and is intended to be used
36 under the direction of a physician for the dietary treatment of an
37 inherited metabolic disease, but does not include a natural food that is
38 naturally low in protein, and "medical food" is a food that is intended
39 for the dietary treatment of a disease or condition for which nutritional
40 requirements are established by medical evaluation and is formulated
41 to be consumed or administered enterally under direction of a
42 physician.

43 PKU is a rare genetic metabolic disease that results in mental
44 retardation and neurological deterioration if a very strict low protein
45 diet is not begun soon after birth and well-maintained. Specially
46 formulated medical foods are critical in this diet management and are

[Passed Both Houses]

[Second Reprint]

SENATE, No. 1887

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1997

By Senators SCHLUTER, PALAIA, Assemblywoman Heck,
Assemblymen DeCroce, Bagger, Lance, Barnes,
Assemblywoman Buono, Assemblymen Bucco, Bodine and
Corodemus

1 AN ACT concerning coverage for foods and food products for
2 inherited metabolic diseases and supplementing P.L.1938, c.366
3 (C.17:48-1 et seq.), P.L.1940, c.74 (C.17:48A-1 et seq.), P.L.1985,
4 c.236 (C.17:48E-1 et seq.), chapter 26 of Title 17B of the New
5 Jersey Statutes, chapter 27 of Title 17B of the New Jersey Statutes,
6 P.L.1992, c.161 (C.17B:27A-2 et seq.), P.L.1992, c.162
7 (C.17B:27A-17 et seq.) ²[and] ²P.L.1973, c.337 (C.26:2J-1 et
8 seq.) ²and P.L.1961, c.49 (C.52:14-17.25 et seq.)².

9
10 **BE IT ENACTED** by the Senate and General Assembly of the State
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14 providing hospital or medical expense benefits shall be delivered,
15 issued, executed or renewed in this State, or approved for issuance or
16 renewal in this State by the Commissioner of Banking and Insurance
17 on or after the effective date of this act, unless the contract provides
18 benefits to each person covered thereunder for expenses incurred in
19 the therapeutic treatment of inherited metabolic diseases, including the
20 purchase of medical foods and low protein modified food products,
21 when diagnosed and determined to be medically necessary by the
22 covered person's physician.

23 For the purposes of this section, "inherited metabolic disease"
24 means a disease caused by an inherited abnormality of body chemistry
25 ¹[and includes those diseases]¹ for which testing is mandated pursuant

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted June 12, 1997.

² Assembly AIN committee amendments adopted December 11, 1997.

1 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food
2 product" means a food product that is specially formulated to have less
3 than one gram of protein per serving and is intended to be used under
4 the direction of a physician for the dietary treatment of an inherited
5 metabolic disease, but does not include a natural food that is naturally
6 low in protein; and "medical food" means a food that is intended for
7 the dietary treatment of a disease or condition for which nutritional
8 requirements are established by medical evaluation and is formulated
9 to be consumed or administered enterally under direction of a
10 physician.

11 The benefits shall be provided to the same extent as for any other
12 medical condition under the contract.

13 The provisions of this section shall apply to all contracts in which
14 the hospital service corporation has reserved the right to change the
15 premium.

16

17 2. No group or individual medical service corporation contract
18 providing hospital or medical expense benefits shall be delivered,
19 issued, executed or renewed in this State, or approved for issuance or
20 renewal in this State by the Commissioner of Banking and Insurance
21 on or after the effective date of this act, unless the contract provides
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23 the therapeutic treatment of inherited metabolic diseases, including the
24 purchase of medical foods and low protein modified food products,
25 when diagnosed and determined to be medically necessary by the
26 covered person's physician.

27 For the purposes of this section, "inherited metabolic disease"
28 means a disease caused by an inherited abnormality of body chemistry
29 ¹["and includes those diseases"] for which testing is mandated pursuant
30 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food
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37 requirements are established by medical evaluation and is formulated
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39 physician.

40 The benefits shall be provided to the same extent as for any other
41 medical condition under the contract.

42 The provisions of this section shall apply to all contracts in which
43 the medical service corporation has reserved the right to change the
44 premium.

45

46 3. No group or individual health service corporation contract

1 providing hospital or medical expense benefits shall be delivered,
2 issued, executed or renewed in this State, or approved for issuance or
3 renewal in this State by the Commissioner of Banking and Insurance
4 on or after the effective date of this act, unless the contract provides
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6 the therapeutic treatment of inherited metabolic diseases, including the
7 purchase of medical foods and low protein modified food products,
8 when diagnosed and determined to be medically necessary by the
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17 metabolic disease, but does not include a natural food that is naturally
18 low in protein; and "medical food" means a food that is intended for
19 the dietary treatment of a disease or condition for which nutritional
20 requirements are established by medical evaluation and is formulated
21 to be consumed or administered enterally under direction of a
22 physician.

23 The benefits shall be provided to the same extent as for any other
24 medical condition under the contract.

25 The provisions of this section shall apply to all contracts in which
26 the health service corporation has reserved the right to change the
27 premium.

28

29 4. No individual health insurance policy providing hospital or
30 medical expense benefits shall be delivered, issued, executed or
31 renewed in this State, or approved for issuance or renewal in this State
32 by the Commissioner of Banking and Insurance on or after the
33 effective date of this act, unless the policy provides benefits to each
34 person covered thereunder for expenses incurred in the therapeutic
35 treatment of inherited metabolic diseases, including the purchase of
36 medical foods and low protein modified food products, when
37 diagnosed and determined to be medically necessary by the covered
38 person's physician.

39 For the purposes of this section, "inherited metabolic disease"
40 means a disease caused by an inherited abnormality of body chemistry
41 ¹["and includes those diseases"] for which testing is mandated pursuant
42 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food
43 product" means a food product that is specially formulated to have less
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45 the direction of a physician for the dietary treatment of an inherited
46 metabolic disease, but does not include a natural food that is naturally

1 low in protein; and "medical food" means a food that is intended for
2 the dietary treatment of a disease or condition for which nutritional
3 requirements are established by medical evaluation and is formulated
4 to be consumed or administered enterally under direction of a
5 physician.

6 The benefits shall be provided to the same extent as for any other
7 medical condition under the policy.

8 The provisions of this section shall apply to all policies in which the
9 insurer has reserved the right to change the premium.

10

11 5. No group health insurance policy providing hospital or medical
12 expense benefits shall be delivered, issued, executed or renewed in this
13 State, or approved for issuance or renewal in this State by the
14 Commissioner of Banking and Insurance on or after the effective date
15 of this act, unless the policy provides benefits to each person covered
16 thereunder for expenses incurred in the therapeutic treatment of
17 inherited metabolic diseases, including the purchase of medical foods
18 and low protein modified food products, when diagnosed and
19 determined to be medically necessary by the covered person's
20 physician.

21 For the purposes of this section, "inherited metabolic disease"
22 means a disease caused by an inherited abnormality of body chemistry
23 ¹and includes those diseases¹ for which testing is mandated pursuant
24 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food
25 product" means a food product that is specially formulated to have less
26 than one gram of protein per serving and is intended to be used under
27 the direction of a physician for the dietary treatment of an inherited
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30 the dietary treatment of a disease or condition for which nutritional
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33 physician.

34 The benefits shall be provided to the same extent as for any other
35 medical condition under the policy.

36 The provisions of this section shall apply to all policies in which the
37 insurer has reserved the right to change the premium.

38

39 6. No individual health benefits plan subject to the provisions of
40 P.L.1992, c.161 (C.17B:27A-2 et seq.) shall be delivered, issued,
41 executed or renewed in this State, or approved for issuance or renewal
42 in this State on or after the effective date of this act, unless the health
43 benefits plan provides benefits to each person covered thereunder for
44 expenses incurred in the therapeutic treatment of inherited metabolic
45 diseases, including the purchase of medical foods and low protein
46 modified food products, when diagnosed and determined to be

1 medically necessary by the covered person's physician.

2 For the purposes of this section, "inherited metabolic disease"
3 means a disease caused by an inherited abnormality of body chemistry
4 ¹【and includes those diseases】¹ for which testing is mandated pursuant
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11 the dietary treatment of a disease or condition for which nutritional
12 requirements are established by medical evaluation and is formulated
13 to be consumed or administered enterally under direction of a
14 physician.

15 The benefits shall be provided to the same extent as for any other
16 medical condition under the health benefits plan.

17 The provisions of this section shall apply to all health benefits plans
18 in which the carrier has reserved the right to change the premium.

19

20 7. No small employer health benefits plan subject to the provisions
21 of P.L.1992, c.162 (C.17B:27A-17 et seq.) shall be delivered, issued,
22 executed or renewed in this State, or approved for issuance or renewal
23 in this State on or after the effective date of this act, unless the health
24 benefits plan provides benefits to each person covered thereunder for
25 expenses incurred in the therapeutic treatment of inherited metabolic
26 diseases, including the purchase of medical foods and low protein
27 modified food products, when diagnosed and determined to be
28 medically necessary by the covered person's physician.

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36 metabolic disease, but does not include a natural food that is naturally
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38 the dietary treatment of a disease or condition for which nutritional
39 requirements are established by medical evaluation and is formulated
40 to be consumed or administered enterally under direction of a
41 physician.

42 The benefits shall be provided to the same extent as for any other
43 medical condition under the health benefits plan.

44 The provisions of this section shall apply to all health benefits plans
45 in which the carrier has reserved the right to change the premium.

1 8. Notwithstanding any provision of law to the contrary, a
2 certificate of authority to establish and operate a health maintenance
3 organization in this State shall not be issued or continued by the
4 Commissioner of Health and Senior Services on or after the effective
5 date of this act unless the health maintenance organization provides
6 health care services to each enrollee for the therapeutic treatment of
7 inherited metabolic diseases, including the purchase of medical foods
8 and low protein modified food products, when diagnosed and
9 determined to be medically necessary by the enrollee's physician.

10 For the purposes of this section, "inherited metabolic disease"
11 means a disease caused by an inherited abnormality of body chemistry
12 ¹[and includes those diseases]¹ for which testing is mandated pursuant
13 to P.L.1977, c.321 (C.26:2-110 et seq.); "low protein modified food
14 product" means a food product that is specially formulated to have less
15 than one gram of protein per serving and is intended to be used under
16 the direction of a physician for the dietary treatment of an inherited
17 metabolic disease, but does not include a natural food that is naturally
18 low in protein; and "medical food" means a food that is intended for
19 the dietary treatment of a disease or condition for which nutritional
20 requirements are established by medical evaluation and is formulated
21 to be consumed or administered enterally under direction of a
22 physician.

23 The health care services shall be provided to the same extent as for
24 any other medical condition under the contract.

25 The provisions of this section shall apply to all contracts for health
26 care services by health maintenance organizations under which the
27 right to change the schedule of charges for enrollee coverage is
28 reserved.

29
30 ²9. The State Health Benefits Commission shall provide benefits to
31 each person covered under the State Health Benefits Program for the
32 therapeutic treatment of inherited metabolic diseases, including the
33 purchase of medical foods and low protein modified food products,
34 when diagnosed and determined to be medically necessary by the
35 covered person's physician.

36 For the purposes of this section, "inherited metabolic disease"
37 means a disease caused by an inherited abnormality of body chemistry
38 for which testing is mandated pursuant to P.L.1977, c.321 (C.26:2-
39 110 et seq.); "low protein modified food product" means a food
40 product that is specially formulated to have less than one gram of
41 protein per serving and is intended to be used under the direction of
42 a physician for the dietary treatment of an inherited metabolic disease,
43 but does not include a natural food that is naturally low in protein; and
44 "medical food" means a food that is intended for the dietary treatment
45 of a disease or condition for which nutritional requirements are
46 established by medical evaluation and is formulated to be consumed or

1 administered enterally under direction of a physician.

2 The health care services shall be provided to the same extent as for
3 any other medical condition under the program.²

4

5 ²[9.] 10.² This act shall take effect immediately.

6

7

8

9

10 Mandates health insurance coverage for foods and food products for
11 inherited metabolic diseases.

ASSEMBLY INSURANCE COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1887

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 1997

The Assembly Insurance Committee reports favorably and with committee amendments Senate Bill No. 1887 (1R).

This bill, as amended by the committee, requires hospital, medical and health service corporations, individual, small employer and large group insurers, health maintenance organizations and the New Jersey State Health Benefits Program to provide coverage for the therapeutic treatment of inherited metabolic diseases, including the purchase of medical foods and low protein modified food products, when diagnosed and determined to be medically necessary by the covered person's physician.

The bill defines "inherited metabolic disease" as a disease caused by an inherited abnormality of body chemistry for which testing is mandated pursuant to P.L.1977, c.321 (C.26:2-110 et seq.), such as phenylketonuria (PKU). "Low protein modified food product" is a food product that is specially 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, but does not include a natural food that is naturally low in protein, and "medical food" is a food that is intended for the dietary treatment of a disease or condition for which nutritional requirements are established by medical evaluation and is formulated to be consumed or administered enterally under direction of a physician.

As reported by the committee, this bill is identical to Assembly Bill No. 2506 (1R).

SENATE HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 1887

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 1997

The Senate Health Committee reports favorably with committee amendments Senate Bill No. 1887.

As amended by committee, this bill requires hospital, medical and health service corporations, individual, small employer and large group insurers and health maintenance organizations to provide coverage for the therapeutic treatment of inherited metabolic diseases, including the purchase of medical foods and low protein modified food products, when diagnosed and determined to be medically necessary by the covered person's physician.

The bill defines "inherited metabolic disease" as a disease caused by an inherited abnormality of body chemistry for which testing is mandated pursuant to P.L.1977, c.321 (C.26:2-110 et seq.), such as phenylketonuria (PKU). "Low protein modified food product" is a food product that is specially 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, but does not include a natural food that is naturally low in protein, and "medical food" is a food that is intended for the dietary treatment of a disease or condition for which nutritional requirements are established by medical evaluation and is formulated to be consumed or administered enterally under direction of a physician.

PKU is a rare genetic metabolic disease that results in mental retardation and neurological deterioration if a very strict low protein diet is not begun soon after birth and well-maintained. Specially formulated medical foods are critical in this diet management and are necessary to prevent mental retardation in the children who have PKU. Massachusetts, Connecticut and Maryland have adopted legislation to mandate insurance coverage for these medical foods.

The committee amended the bill to clarify in the definition of "inherited metabolic disease" that the term refers only to those diseases for which testing is mandated pursuant to N.J.S.A.26:2-110 et seq.