

1 **INSURANCE COVERAGE FOR EOSINOPHILIC**
2 **GASTROINTESTINAL DISORDERS AND**
3 **SHORT BOWEL SYNDROME**

4 2009 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Christine A. Johnson**

7 Senate Sponsor: Gregory S. Bell

8
9 **LONG TITLE**

10 **General Description:**

11 This bill amends the Accident and Health Insurance part of the Insurance Code to
12 ~~H→~~ **[provide] require an offer of** ~~←H~~ coverage for eosinophilic gastrointestinal disorders and short
12a bowel syndrome.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ defines terms;

16 ▶ requires that ~~H→~~ **[a] an insurer that provides a** ~~←H~~ health benefit plan shall

16a ~~H→~~ **[provide] offer at least one plan that provides** ~~←H~~ coverage for the use of an amino
17 acid-based elemental formula, regardless of the delivery method of the formula, for
18 the diagnoses or treatment of an eosinophilic gastrointestinal disorder or short
19 bowel syndrome if a licensed physician issues a written order stating that the
20 formula is medically necessary;

21 ▶ grants rulemaking authority to the Insurance Commissioner; and

22 ▶ requires the coverage described in this bill to be similar to, or identical to, the
23 coverage provided for other illnesses or diseases.

24 **Monies Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None



28 Utah Code Sections Affected:

29 ENACTS:

30 31A-22-636, Utah Code Annotated 1953



32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section 31A-22-636 is enacted to read:

34 **31A-22-636. Insurance coverage for eosinophilic gastrointestinal disorders and**
35 **short bowel syndrome.**

36 (1) As used in this section:

37 (a) "Amino acid-based elemental formula" means a nutrition formula:

38 (i) made from individual non-allergenic amino acids that are broken down to enhance
39 absorption and digestion; and

40 (ii) designed for individuals who have a dysfunctional or shortened gastrointestinal
41 tract and are unable to tolerate and absorb whole foods or formulas composed of whole
42 proteins, fats, or carbohydrates.

43 (b) (i) "Eosinophilic gastrointestinal disorder" means a disorder characterized by
44 having above normal amounts of eosinophils in one or more specific places anywhere in the
45 digestive system.

46 (ii) "Eosinophilic gastrointestinal disorder" includes:

47 (A) eosinophilic esophagitis;

48 (B) eosinophilic gastritis;

49 (C) eosinophilic gastroenteritis;

50 (D) eosinophilic enteritis; and

51 (E) eosinophilic colitis.

52 (c) "Short bowel syndrome" means malabsorption of nutrients resulting from
53 anatomical or functional loss of a significant length of the small intestine.

54 (2) ~~H→~~ **[A]** (a) **An insurer, other than an insurer described in Subsection (2)(b), that**
54a **provides a** ~~←H~~ health benefit plan shall ~~H→~~ **[provide]** offer at least one plan that provides ~~←H~~
54b coverage for the use of an amino acid-based
55 elemental formula, regardless of the delivery method of the formula, for the diagnoses or
56 treatment of an eosinophilic gastrointestinal disorder or short bowel syndrome if a licensed
57 physician issues a written order stating that the use of an amino acid-based elemental formula
58 is medically necessary.

58a ~~H→~~ (b) **An insurer that is subject to Title 49, Chapter 20, Public**

58b Employees' Benefit and Insurance Program Act, shall offer to a covered employer at least one
58c plan that provides coverage for the use of an amino acid-based elemental formula, regardless
58d of the delivery method of the formula, for the diagnoses or treatment of an eosinophilic
58e gastrointestinal disorder or short bowel syndrome if a licensed physician issues a written order
58f stating that the use of an amino acid-based elemental formula is medically necessary. ←H

59 (3) The commissioner shall make rules, in accordance with Title 63G, Chapter 3, Utah
60 Administrative Rulemaking Act, that set minimum standards for the coverage described in
61 Subsection (2).

62 (4) The rules described in Subsection (3) shall require that all cost sharing provisions
63 for the coverage described in Subsection (2), including deductibles, coinsurance, annual
64 maximums, and lifetime maximums are similar to, or identical to, the coverage provided for
65 other illnesses or diseases.

Legislative Review Note
as of 1-20-09 6:41 AM

Office of Legislative Research and General Counsel

Fiscal Note**H.B. 124 - Insurance Coverage for Eosinophilic Gastrointestinal Disorders
and Short Bowel Syndrome - As Amended**

2009 General Session

State of Utah

State Impact

Enactment of this bill would require an additional appropriation of \$340,000 from various funds if the State of Utah were to formulate and offer this additional coverage to employees, however the State of Utah is not required to purchase this additional coverage.

Individual, Business and/or Local Impact

Local governments may be impacted if they provide health insurances to employees. Businesses that purchase health insurance may see increase in the cost of insurance. Individuals may benefit from the additional coverage that is provided under the proposed change in statute.
