

AMENDED IN SENATE MARCH 15, 1999

AMENDED IN SENATE MARCH 4, 1999

**SENATE BILL**

**No. 148**

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**Introduced by Senator Alpert**

January 6, 1999

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An act to add Section 1374.56 to the Health and Safety Code, and to add Section 10123.89 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

SB 148, as amended, Alpert. Health care coverage: phenylketonuria (PKU).

Existing law provides for the licensure and regulation of health care service plans administered by the Commissioner of Corporations. Willful violation of those provisions is a crime. Existing law also provides for the regulation of disability insurance by the Insurance Commissioner.

This bill would require every health care service plan contract, except a specialized health care service plan contract, and every ~~group~~ policy of disability insurance issued, amended, ~~or~~ delivered, *or renewed* in this state that provides ~~certain benefits~~ *coverage for hospital, medical, or surgical expenses* to ~~offer~~ *provide* coverage for the testing and treatment of phenylketonuria (PKU) as provided under the bill.

Since a violation of the provisions regulating health care service plans would be a crime, this bill would impose a

state-mandated local program by expanding the scope of a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1374.56 is added to the Health  
2 and Safety Code, to read:

3 1374.56. (a) On and after January 1, 2000, every  
4 health care service plan contract, except a specialized  
5 health care service plan contract, issued, amended, ~~or~~  
6 ~~delivered~~ *delivered*, or *renewed* in this state that  
7 provides *coverage for* hospital, medical, or surgical  
8 ~~expense—benefits~~ *expenses* shall provide coverage for the  
9 testing and treatment of phenylketonuria (PKU).

10 (b) Coverage for treatment of phenylketonuria  
11 (PKU) shall include those formulas and special food  
12 products that are part of a prescribed diet deemed  
13 medically necessary for disease treatment.

14 (c) Coverage pursuant to this section is not required  
15 except to the extent that the cost of the necessary  
16 formulas and special food products exceeds the cost of a  
17 normal diet.

18 (d) For purposes of this section, the following  
19 definitions shall apply:

20 (1) "Formula" means an enteral product or enteral  
21 products for use at home that are prescribed or ordered  
22 by a physician, nurse practitioner, or registered dietician  
23 as medically necessary for the treatment of inherited  
24 metabolic diseases characterized by deficient  
25 metabolism or malabsorption, originating from  
26 congenital defects or defects arising shortly after birth, of  
27 amino acid, organic acid, carbohydrate, or fat.



1 (2) “Medically necessary” means that a licensed  
2 physician has determined that special food products;  
3 ~~formulas, or dietary supplements or formulas~~ are  
4 required to avert the development of serious physical or  
5 mental disabilities or to promote normal development  
6 and function as a consequence of phenylketonuria  
7 (PKU).

8 (3) “Special food product” means a food product that  
9 is specially formulated to have less than one gram of  
10 protein per serving and is intended to be consumed  
11 under the direction of a physician for the dietary  
12 treatment of an inherited metabolic disease. “Special  
13 food product” does not include a food that is naturally low  
14 in protein.

15 SEC. 2. Section 10123.89 is added to the Insurance  
16 Code, immediately following Section 10123.87, to read:

17 10123.89. (a) On and after January 1, 2000, every  
18 ~~group~~ policy of disability insurance issued, amended, ~~or~~  
19 ~~delivered~~ *delivered*, or *renewed* in this state that  
20 provides *coverage for* hospital, medical, or surgical  
21 ~~expense—benefits~~ *expenses* shall provide coverage for the  
22 testing and treatment of phenylketonuria (PKU).

23 (b) Coverage for treatment of phenylketonuria  
24 (PKU) shall include those formulas and special food  
25 products that are part of a prescribed diet deemed  
26 medically necessary for disease treatment.

27 (c) Coverage pursuant to this section is not required  
28 except to the extent that the cost of necessary formulas  
29 and special food products exceeds the cost of a normal  
30 diet.

31 (d) For purposes of this section, the following  
32 definitions shall apply:

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13 food product” does not include a food that is naturally low  
14 in protein.

15 SEC. 3. No reimbursement is required by this act  
16 pursuant to Section 6 of Article XIII B of the California  
17 Constitution because the only costs that may be incurred  
18 by a local agency or school district will be incurred  
19 because this act creates a new crime or infraction,  
20 eliminates a crime or infraction, or changes the penalty  
21 for a crime or infraction, within the meaning of Section  
22 17556 of the Government Code, or changes the definition  
23 of a crime within the meaning of Section 6 of Article  
24 XIII B of the California Constitution.

