
HOUSE BILL 1216

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Habib, Clibborn, Jinkins, McCoy, Springer, Morrell, Goodman, Appleton, Tarleton, Ryu, Tharinger, and Fey

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

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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