

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 233

HOUSE BILL 2364

AN ACT

AMENDING TITLE 20, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-826.03; AMENDING TITLE 20, CHAPTER 4, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-1057.10; AMENDING TITLE 20, CHAPTER 6, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-1342.05; AMENDING TITLE 20, CHAPTER 6, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 20-1402.02 AND 20-1404.02; AMENDING TITLE 20, CHAPTER 13, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-2332; AMENDING TITLE 36, CHAPTER 29, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-2907.01 AND 36-2912.03; RELATING TO EOSINOPHILIC GASTROINTESTINAL DISORDER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 20, chapter 4, article 3, Arizona Revised Statutes,
3 is amended by adding section 20-826.03, to read:

4 20-826.03. Eosinophilic gastrointestinal disorder; formula

5 A. ANY CONTRACT THAT IS OFFERED BY A HOSPITAL SERVICE CORPORATION OR
6 MEDICAL SERVICE CORPORATION AND THAT CONTAINS A PRESCRIPTION DRUG BENEFIT
7 SHALL COVER AMINO ACID-BASED FORMULA THAT IS ORDERED BY A PHYSICIAN IF:

8 1. THE SUBSCRIBER HAS BEEN DIAGNOSED WITH AN EOSINOPHILIC
9 GASTROINTESTINAL DISORDER.

10 2. THE SUBSCRIBER IS UNDER THE CONTINUOUS SUPERVISION OF A PHYSICIAN
11 WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

12 3. THERE IS RISK OF A MENTAL OR PHYSICAL IMPAIRMENT WITHOUT THE USE OF
13 THE FORMULA.

14 B. A HOSPITAL SERVICE CORPORATION OR MEDICAL SERVICE CORPORATION SHALL
15 COVER AT LEAST SEVENTY-FIVE PER CENT OF THE COST OF THE FORMULA. THE
16 HOSPITAL SERVICE CORPORATION OR MEDICAL SERVICE CORPORATION MAY LIMIT THE
17 MAXIMUM ANNUAL BENEFIT FOR FORMULA UNDER THIS SECTION TO TWENTY THOUSAND
18 DOLLARS.

19 C. THIS SECTION DOES NOT APPLY TO LIMITED BENEFIT COVERAGE AS DEFINED
20 IN SECTION 20-1137.

21 Sec. 2. Title 20, chapter 4, article 9, Arizona Revised Statutes, is
22 amended by adding section 20-1057.10, to read:

23 20-1057.10. Eosinophilic gastrointestinal disorder; formula

24 A. ANY CONTRACT OR EVIDENCE OF COVERAGE THAT IS OFFERED BY A HEALTH
25 CARE SERVICES ORGANIZATION AND THAT CONTAINS A PRESCRIPTION DRUG BENEFIT
26 SHALL COVER AMINO ACID-BASED FORMULA THAT IS ORDERED BY A PHYSICIAN IF:

27 1. THE ENROLLEE HAS BEEN DIAGNOSED WITH AN EOSINOPHILIC
28 GASTROINTESTINAL DISORDER.

29 2. THE ENROLLEE IS UNDER THE CONTINUOUS SUPERVISION OF A PHYSICIAN WHO
30 IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

31 3. THERE IS RISK OF A MENTAL OR PHYSICAL IMPAIRMENT WITHOUT THE USE OF
32 THE FORMULA.

33 B. A HEALTH CARE SERVICES ORGANIZATION SHALL COVER AT LEAST
34 SEVENTY-FIVE PER CENT OF THE COST OF THE FORMULA. THE HEALTH CARE SERVICES
35 ORGANIZATION MAY LIMIT THE MAXIMUM ANNUAL BENEFIT FOR FORMULA UNDER THIS
36 SECTION TO TWENTY THOUSAND DOLLARS.

37 C. THIS SECTION DOES NOT APPLY TO LIMITED BENEFIT COVERAGE AS DEFINED
38 IN SECTION 20-1137.

39 Sec. 3. Title 20, chapter 6, article 4, Arizona Revised Statutes, is
40 amended by adding section 20-1342.05, to read:

41 20-1342.05. Eosinophilic gastrointestinal disorder; formula

42 A. ANY POLICY OF DISABILITY INSURANCE THAT IS OFFERED BY A DISABILITY
43 INSURER AND THAT CONTAINS A PRESCRIPTION DRUG BENEFIT SHALL COVER AMINO
44 ACID-BASED FORMULA THAT IS ORDERED BY A PHYSICIAN IF:

1 1. THE INSURED HAS BEEN DIAGNOSED WITH AN EOSINOPHILIC
2 GASTROINTESTINAL DISORDER.

3 2. THE INSURED IS UNDER THE CONTINUOUS SUPERVISION OF A PHYSICIAN WHO
4 IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

5 3. THERE IS RISK OF A MENTAL OR PHYSICAL IMPAIRMENT WITHOUT THE USE OF
6 THE FORMULA.

7 B. A DISABILITY INSURER SHALL COVER AT LEAST SEVENTY-FIVE PER CENT OF
8 THE COST OF THE FORMULA. THE DISABILITY INSURER MAY LIMIT THE MAXIMUM ANNUAL
9 BENEFIT FOR FORMULA UNDER THIS SECTION TO TWENTY THOUSAND DOLLARS.

10 C. THIS SECTION DOES NOT APPLY TO LIMITED BENEFIT COVERAGE AS DEFINED
11 IN SECTION 20-1137.

12 Sec. 4. Title 20, chapter 6, article 5, Arizona Revised Statutes, is
13 amended by adding sections 20-1402.02 and 20-1404.02, to read:

14 20-1402.02. Eosinophilic gastrointestinal disorder; formula

15 A. ANY GROUP DISABILITY POLICY THAT IS OFFERED BY A GROUP DISABILITY
16 INSURER AND THAT CONTAINS A PRESCRIPTION DRUG BENEFIT SHALL COVER AMINO
17 ACID-BASED FORMULA THAT IS ORDERED BY A PHYSICIAN IF:

18 1. THE INSURED HAS BEEN DIAGNOSED WITH AN EOSINOPHILIC
19 GASTROINTESTINAL DISORDER.

20 2. THE INSURED IS UNDER THE CONTINUOUS SUPERVISION OF A PHYSICIAN WHO
21 IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

22 3. THERE IS RISK OF A MENTAL OR PHYSICAL IMPAIRMENT WITHOUT THE USE OF
23 THE FORMULA.

24 B. A GROUP DISABILITY INSURER SHALL COVER AT LEAST SEVENTY-FIVE PER
25 CENT OF THE COST OF THE FORMULA. THE GROUP DISABILITY INSURER MAY LIMIT THE
26 MAXIMUM ANNUAL BENEFIT FOR FORMULA UNDER THIS SECTION TO TWENTY THOUSAND
27 DOLLARS.

28 C. THIS SECTION DOES NOT APPLY TO LIMITED BENEFIT COVERAGE AS DEFINED
29 IN SECTION 20-1137.

30 20-1404.02. Eosinophilic gastrointestinal disorder; formula

31 A. ANY POLICY OR CONTRACT THAT IS OFFERED BY A BLANKET DISABILITY
32 INSURER AND THAT CONTAINS A PRESCRIPTION DRUG BENEFIT SHALL COVER AMINO
33 ACID-BASED FORMULA THAT IS ORDERED BY A PHYSICIAN IF:

34 1. THE INSURED HAS BEEN DIAGNOSED WITH AN EOSINOPHILIC
35 GASTROINTESTINAL DISORDER.

36 2. THE INSURED IS UNDER THE CONTINUOUS SUPERVISION OF A PHYSICIAN WHO
37 IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

38 3. THERE IS RISK OF A MENTAL OR PHYSICAL IMPAIRMENT WITHOUT THE USE OF
39 THE FORMULA.

40 B. A BLANKET DISABILITY INSURER SHALL COVER AT LEAST SEVENTY-FIVE PER
41 CENT OF THE COST OF THE FORMULA. THE BLANKET DISABILITY INSURER MAY LIMIT
42 THE MAXIMUM ANNUAL BENEFIT FOR FORMULA UNDER THIS SECTION TO TWENTY THOUSAND
43 DOLLARS.

44 C. THIS SECTION DOES NOT APPLY TO LIMITED BENEFIT COVERAGE AS
45 DEFINED IN SECTION 20-1137.

1 Sec. 5. Title 20, chapter 13, article 1, Arizona Revised Statutes, is
2 amended by adding section 20-2332, to read:

3 20-2332. Eosinophilic gastrointestinal disorder; formula

4 A. ANY HEALTH BENEFIT PLAN THAT IS OFFERED BY AN ACCOUNTABLE HEALTH
5 PLAN AND THAT CONTAINS A PRESCRIPTION DRUG BENEFIT SHALL COVER AMINO
6 ACID-BASED FORMULA THAT IS ORDERED BY A PHYSICIAN IF:

7 1. THE INSURED HAS BEEN DIAGNOSED WITH AN EOSINOPHILIC
8 GASTROINTESTINAL DISORDER.

9 2. THE INSURED IS UNDER THE CONTINUOUS SUPERVISION OF A PHYSICIAN WHO
10 IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

11 3. THERE IS RISK OF A MENTAL OR PHYSICAL IMPAIRMENT WITHOUT THE USE OF
12 THE FORMULA.

13 B. AN ACCOUNTABLE HEALTH PLAN SHALL COVER AT LEAST SEVENTY-FIVE PER
14 CENT OF THE COST OF THE FORMULA. THE ACCOUNTABLE HEALTH PLAN MAY LIMIT THE
15 MAXIMUM ANNUAL BENEFIT FOR FORMULA UNDER THIS SECTION TO TWENTY THOUSAND
16 DOLLARS.

17 C. THIS SECTION DOES NOT APPLY TO LIMITED BENEFIT COVERAGE AS DEFINED
18 IN SECTION 20-1137.

19 Sec. 6. Title 36, chapter 29, article 1, Arizona Revised Statutes, is
20 amended by adding sections 36-2907.01 and 36-2912.03, to read:

21 36-2907.01. Eosinophilic gastrointestinal disorder; formula

22 A. ANY COVERAGE THAT IS OFFERED BY A CONTRACTOR PROVIDING SERVICES TO
23 PERSONS ELIGIBLE PURSUANT TO SECTION 36-2901 AND THAT CONTAINS A PRESCRIPTION
24 DRUG BENEFIT SHALL COVER AMINO ACID-BASED FORMULA THAT IS ORDERED BY A
25 PHYSICIAN IF:

26 1. THE PERSON HAS BEEN DIAGNOSED WITH AN EOSINOPHILIC GASTROINTESTINAL
27 DISORDER.

28 2. THE PERSON IS UNDER THE CONTINUOUS SUPERVISION OF A PHYSICIAN WHO
29 IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

30 3. THERE IS RISK OF A MENTAL OR PHYSICAL IMPAIRMENT WITHOUT THE USE OF
31 THE FORMULA.

32 B. THIS SECTION DOES NOT APPLY TO LIMITED BENEFIT COVERAGE AS DEFINED
33 IN SECTION 20-1137.

34 36-2912.03. Eosinophilic gastrointestinal disorder; formula

35 A. ANY HEALTH BENEFIT PLAN THAT IS OFFERED BY A CONTRACTOR TO PERSONS
36 DEFINED AS ELIGIBLE PURSUANT TO SECTION 36-2912 AND THAT CONTAINS A
37 PRESCRIPTION DRUG BENEFIT SHALL COVER AMINO ACID-BASED FORMULA THAT IS
38 ORDERED BY A PHYSICIAN IF:

39 1. THE PERSON HAS BEEN DIAGNOSED WITH AN EOSINOPHILIC GASTROINTESTINAL
40 DISORDER.

41 2. THE PERSON IS UNDER THE CONTINUOUS SUPERVISION OF A PHYSICIAN WHO
42 IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

1 3. THERE IS RISK OF A MENTAL OR PHYSICAL IMPAIRMENT WITHOUT THE USE OF
2 THE FORMULA.

3 B. THIS SECTION DOES NOT APPLY TO LIMITED BENEFIT COVERAGE AS DEFINED
4 IN SECTION 20-1137.

5 Sec. 7. Applicability

6 This act applies to contracts, policies and evidences of coverage
7 issued or renewed from and after December 31, 2006.

APPROVED BY THE GOVERNOR APRIL 28, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2006.