

2025 Regular Session

HOUSE BILL NO. 467

BY REPRESENTATIVES HILFERTY AND MANDIE LANDRY AND SENATORS
BARROW, EDMONDS, MYERS, SEABAUGH, TALBOT, AND WHEAT

1 AN ACT

2 To enact R.S. 22:1059.6 and R.S. 40:1081.13, relative to health insurance coverage; to
3 require coverage for amino acid-based elemental formulas for infants and children
4 when medically necessary; to provide application to Medicaid coverage; to provide
5 for application to coverage plans; to provide for effectiveness; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1059.6 is hereby enacted to read as follows:

9 §1059.6. Required coverage for amino acid-based elemental formulas

10 A. A health insurance issuer offering health coverage plans in this state that
11 provides benefits for maternity services shall provide coverage for amino acid-based
12 elemental formulas, regardless of the formula delivery method, to treat a child aged
13 two years or younger. Coverage applies pursuant to this Section if the child has been
14 diagnosed by a board-certified allergist or board-certified gastroenterologist and the
15 treating physician issues a written order stating that the amino acid-based elemental
16 formula is medically necessary to treat the child for any of the following:

17 (1) Immunoglobulin E and non-immunoglobulin E mediated allergies to
18 multiple food proteins.

19 (2) Severe food protein-induced enterocolitis syndrome.

20 (3) Eosinophilic disorders, as evidenced by the results of a biopsy.

21 (4) Impaired absorption of nutrients caused by disorders affecting the
22 absorptive surface, functional length, and motility of the gastrointestinal tract.

1 B. Coverage pursuant to this Section may be subject to annual deductibles,
 2 coinsurance, and copayments consistent with those established under the health
 3 coverage plan.

4 C.(1) A health coverage plan shall provide coverage pursuant to this Section
 5 on a basis no less favorable than the basis on which prescription drugs and other
 6 medications and related services are covered by the plan, and to the same extent that
 7 the plan provides coverage for drugs that are available only on the orders of a
 8 physician.

9 (2) A utilization review agent acting on behalf of a health coverage plan
 10 issuer may review a treating physician's determination of the medical necessity of
 11 the use of an amino acid-based elemental formula for the treatment of a covered
 12 infant or child who is diagnosed with a disease or disorder listed in Subsection A of
 13 this Section.

14 Section 2. R.S. 40:1081.13 is hereby enacted to read as follows:

15 §1081.13. Medicaid coverage; amino acid-based elemental formulas

16 A. The Louisiana Department of Health shall make available to persons who
 17 are eligible for Medicaid benefits under Title XIX of the Social Security Act, 42
 18 U.S.C. 1396 et seq., coverage for amino acid-based elemental formulas, regardless
 19 of the formula delivery method, to treat a child aged two years or younger. Coverage
 20 applies pursuant to this Section if the child has been diagnosed by a board-certified
 21 allergist or board-certified gastroenterologist and the treating physician issues a
 22 written order stating that the amino acid-based elemental formula is medically
 23 necessary to treat the child for any of the following:

24 (1) Immunoglobulin E and non-immunoglobulin E mediated allergies to
 25 multiple food proteins.

26 (2) Severe food protein-induced enterocolitis syndrome.

27 (3) Eosinophilic disorders, as evidenced by the results of a biopsy.

28 (4) Impaired absorption of nutrients caused by disorders affecting the
 29 absorptive surface, functional length, and motility of the gastrointestinal tract.

1 B. Coverage provided pursuant to this Section may be subject to
2 copayments, deductibles, or other cost-sharing mechanisms.

3 C.(1) A health maintenance organization, health insurance organization, or
4 managed care organization that contracts with the state to provide or coordinate
5 healthcare services to any person eligible for Medicaid shall provide coverage on a
6 basis no less favorable than the basis on which prescription drugs and other
7 medications and related services are covered by the organization, and to the same
8 extent that the organization provides coverage for drugs that are available only on
9 the orders of a physician.

10 (2) A utilization review agent acting on behalf of an organization listed in
11 this Subsection may review a treating physician's determination of the medical
12 necessity of the use of an amino acid-based elemental formula for the treatment of
13 a covered infant or child who is diagnosed with a disease or disorder listed in
14 Subsection A of this Section.

15 Section 3. This Act shall be known and may be cited as the "Darcy Evelyn Bivins
16 Act".

17 Section 4. The provisions of this Act apply to any new policy, contract, or health
18 coverage plan issued on and after the January first immediately following the effective date
19 of this Act. Any policy, contract, or health coverage plan in effect prior to the January first
20 immediately following the effective date of this Act shall convert to conform to the
21 provisions of this Act on or before the renewal date or prior to the three hundred fifty-ninth
22 day following January first in which the provisions of this Act become applicable.

23 Section 5.(A) The provisions of Sections 1 through 4 of this Act shall become
24 effective when an Act of the Louisiana Legislature containing a specific appropriation of
25 monies for the implementation of the provisions of this Act becomes effective.

26 (B) The provisions of this Section shall become effective upon signature by the
27 governor or, if not signed by the governor, upon expiration of the time for bills to become
28 law without signature by the governor, as provided by Article III, Section 18 of the
29 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the

1 legislature, the provisions of this Section shall become effective on the day following such
2 approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____