

2025 Regular Session

# ACT No. 367

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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_