

**304.17A-258 Coverage under health benefit plan for therapeutic food, formulas, supplements, and low-protein modified food products.**

- (1) For purposes of this section:
  - (a) "Therapeutic food, formulas, and supplements" means products intended for the dietary treatment of inborn errors of metabolism or genetic conditions under the direction of a physician; and
  - (b) "Low-protein modified food" means a product formulated to have less than one (1) gram of protein per serving and intended for the dietary treatment of inborn errors of metabolism or genetic conditions under the direction of a physician.
- (2) A health benefit plan that provides prescription drug coverage shall include in that coverage therapeutic food, formulas, supplements, and low-protein modified food products for the treatment of inborn errors of metabolism or genetic conditions if the therapeutic food, formulas, supplements, and low-protein modified food products are obtained for the therapeutic treatment of inborn errors of metabolism or genetic conditions under the direction of a physician. Coverage under this subsection may be subject, for each plan year, to a cap of twenty-five thousand dollars (\$25,000) for therapeutic food, formulas, and supplements and a separate cap for each plan year of four thousand dollars (\$4,000) on low-protein modified foods. Each cap shall be subject to annual inflation adjustments based on the consumer price index.
- (3) The requirements of this section shall apply to all health benefit plans issued or renewed on and after July 15, 2008.
- (4) Nothing in this section or KRS 205.560, 213.141, or 214.155 shall be construed to require a health benefit plan to provide coverage for therapeutic foods, formulas, supplements, or low-protein modified food for the treatment of lactose intolerance, protein intolerance, food allergy, food sensitivity, or any other condition or disease that is not an inborn error of metabolism or genetic condition.

**Effective:** July 15, 2008

**History:** Created 2008 Ky. Acts ch. 119, sec. 4, effective July 15, 2008.