

SECOND REGULAR SESSION

HOUSE BILL NO. 1990

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOYKINS.

Read 1st time March 9, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5569L.01I

AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for obesity.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be
2 known as section 376.1240, to read as follows:

376.1240. 1. As used in this section, the following terms mean:

2 **(1) "Body mass index", the relationship between weight and height used to assess**
3 **health risk related to excess weight based on the mathematical formula that is expressed**
4 **as weight in kilograms divided by height in meters squared, or weight in pounds divided**
5 **by height in inches squared and multiplied by seven hundred three;**

6 **(2) "Health benefit plan", the same meaning as such term is defined in section**
7 **376.1350;**

8 **(3) "Health carrier", the same meaning as such term is defined in section 376.1350;**

9 **(4) "Morbid obesity":**

10 **(a) A weight which is at least one hundred pounds over or twice the ideal weight**
11 **for frame, age, height, and gender as specified in the most recent Metropolitan Life**
12 **Insurance tables;**

13 **(b) A body mass index equal to or greater than forty kilograms per meter squared;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (c) A body mass index equal to or greater than thirty-five kilograms per meter
15 squared along with comorbidity or existing medical conditions such as hypertension,
16 cardiopulmonary conditions, sleep apnea, or diabetes.

17 2. Each health carrier or health benefit plan that offers or issues health benefit
18 plans which are delivered, issued for delivery, continued or renewed on or after January
19 1, 2007, shall offer coverage for the treatment of morbid obesity by such methods as may
20 be recognized by the National Institutes of Health as effective for the long-term reversal
21 of morbid obesity when:

22 (1) Nonsurgical treatment of the morbid obesity supervised by a physician has been
23 unsuccessful for at least eighteen months;

24 (2) At least two physicians concur in the determination that surgical treatment of
25 the morbid obesity is medically necessary.

26 3. If the policyholder or other purchaser of the policy, plan, or contract elects not
27 to purchase coverage under this section, the health carrier or health benefit plan shall not
28 be required to notify the purchaser in any renewal, reinstatement, or modified policy,
29 contract, or plan as to the availability of the optional coverage. However, the policyholder
30 or other purchaser may request the optional coverage in writing on any anniversary date
31 of the policy, plan, or contract.

32 4. Nothing in this section shall be construed to deny or restrict in any way any
33 existing right or benefit to coverage and treatment for obesity under any existing law,
34 policy, plan, or contract.

35 5. Nothing in this section shall be construed to allow limits of liability of coverage
36 for morbid obesity which prevents the policyholder from accessing medically necessary and
37 appropriate treatment for morbid obesity as recommended by a licensed physician,
38 chiropractor, or registered and licensed dietician.

39 6. The provisions of this section shall not apply to a supplemental insurance policy,
40 including a life care contract, accident-only policy, specified disease policy, hospital policy
41 providing a fixed daily benefit only, Medicare supplement policy, long-term care policy,
42 short-term major medical policy of six months' or less duration, or any other supplemental
43 policy.

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