

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

363C0038

HOUSE ENGROSSED NO. **HB1121** - 2/18/99

Introduced by: Representatives Brooks, Crisp, Davis, Fischer-Clemens, Fitzgerald, Hagen, Haley, Hanson, Hunt, Koehn, Kooistra, Lockner, Lucas, McCoy, Michels, Monroe, Patterson, Peterson, Roe, Sutton (Daniel), Sutton (Duane), Waltman, and Wilson and Senators Brown (Arnold), Dunn (Rebecca), Everist, Kloucek, Lawler, Madden, Moore, Munson (David), Olson, Shoener, Valandra, and Vitter

1 FOR AN ACT ENTITLED, An Act to provide health insurance coverage for diabetes supplies,
2 equipment, and self-management training and education.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Every policy of health insurance delivered, issued for delivery, or renewed in this state,
7 except for policies that provide coverage for specified disease or other limited benefit coverage,
8 shall provide, in writing, coverage for equipment, supplies, and self-management training and
9 education, including medical nutrition therapy, for treatment of persons diagnosed with diabetes
10 if prescribed by a physician or other licensed health care provider legally authorized to prescribe
11 such treatment.

12 Coverage for equipment and supplies shall include blood glucose monitors, blood glucose
13 monitors for the legally blind, test strips for glucose monitors, urine testing strips, insulin,
14 injection aids, lancets, lancet devices, syringes, insulin pumps and all supplies for the pump,

1 insulin infusion devices, prescribed oral agents for controlling blood sugars, glucose agents,
2 glucagon kits, insulin measurement and administration aids for the visually impaired, and other
3 medical devices medically necessary for treatment of diabetes.

4 Diabetes self-management training and education shall be covered if: (a) the service is
5 provided by a physician, nurse, dietitian, pharmacist, or other licensed health care provider who
6 satisfies the current academic eligibility requirements of the National Certification Board for
7 Diabetic Educators and has completed a course in diabetes education and training or has been
8 certified as a diabetes educator; and (b) the training and education is based upon a diabetes
9 program recognized by the American Diabetes Association or a diabetes program with a
10 curriculum approved by the American Diabetes Association or the South Dakota Department
11 of Health.

12 Coverage of diabetes self-management training is limited to (a) persons who are newly
13 diagnosed with diabetes or have received no prior diabetes education; (b) persons who require
14 a change in current therapy; (c) persons who have a co-morbid condition such as heart disease
15 or renal failure; or (d) persons whose diabetes condition is unstable. The policy shall provide
16 coverage for a minimum of two comprehensive education programs per lifetime and up to eight
17 follow-up visits per year. Coverage is limited to the closest available qualified education program
18 that provides the necessary management training to accomplish the prescribed treatment.

19 The benefits provided in this section are subject to the same dollar limits, deductibles,
20 coinsurance, and other restrictions established for all other benefits covered in the policy.

21 Section 2. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as
22 follows:

23 The provisions of section 1 of this Act do not apply to any plan, policy, or contract that
24 provides coverage only for:

25 (1) Specified disease;

- 1 (2) Hospital indemnity;
- 2 (3) Fixed indemnity;
- 3 (4) Accident-only;
- 4 (5) Credit;
- 5 (6) Dental;
- 6 (7) Vision;
- 7 (8) Prescription drug;
- 8 (9) Medicare supplement;
- 9 (10) Long-term care;
- 10 (11) Disability income insurance;
- 11 (12) Coverage issued as a supplement to liability insurance;
- 12 (13) Workers' compensation or similar insurance;
- 13 (14) Automobile medical payment insurance;
- 14 (15) Individual health benefit plans of six-months duration or less that are not renewable;
- 15 or
- 16 (16) Individual nonmajor medical insurance.

17 Section 3. That chapter 58-18 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 Every group health insurance policy delivered, issued for delivery or renewed in this state,
20 except for policies that provide coverage for special disease or other limited benefit coverage,
21 shall provide, in writing, coverage for equipment, supplies, and self-management training and
22 education, including medical nutrition therapy, for treatment of persons diagnosed with diabetes
23 if prescribed by a physician or other licensed health care provider legally authorized to prescribe
24 such treatment.

25 Coverage for equipment and supplies shall include blood glucose monitors, blood glucose

1 monitors for the legally blind, test strips for glucose monitors, urine testing strips, insulin,
2 injection aids, lancets, lancet devices, syringes, insulin pumps and all supplies for the pump,
3 insulin infusion devices, prescribed oral agents for controlling blood sugars, glucose agents,
4 glucagon kits, insulin measurement and administration aids for the visually impaired, and other
5 medical devices medically necessary for treatment of diabetes.

6 Diabetes self-management training and education shall be covered if: (a) the service is
7 provided by a physician, nurse, dietitian, pharmacist, or other licensed health care provider who
8 satisfies the current academic eligibility requirements of the National Certification Board for
9 Diabetic Educators and has completed a course in diabetes education and training or has been
10 certified as a diabetes educator; and (b) the training and education is based upon a diabetes
11 program recognized by the American Diabetes Association or a diabetes program with a
12 curriculum approved by the American Diabetes Association or the South Dakota Department
13 of Health.

14 Coverage of diabetes self-management training is limited to (a) persons who are newly
15 diagnosed with diabetes or have received no prior diabetes education; (b) persons who require
16 a change in current therapy; (c) persons who have a co-morbid condition such as heart disease
17 or renal failure; or (d) persons whose diabetes condition is unstable. The policy shall provide
18 coverage for a minimum of two comprehensive education programs per lifetime and up to eight
19 follow-up visits per year. Coverage is limited to the closest available qualified education program
20 that provides the necessary management training to accomplish the prescribed treatment.

21 The benefits provided in this section are subject to the same dollar limits, deductibles,
22 coinsurance, and other restrictions established for all other benefits covered in the policy.

23 Section 4. That chapter 58-18 be amended by adding thereto a NEW SECTION to read as
24 follows:

25 The provisions of section 3 of this Act do not apply to any plan, policy, or contract that

1 provides coverage only for:

- 2 (1) Specified disease;
- 3 (2) Hospital indemnity;
- 4 (3) Fixed indemnity;
- 5 (4) Accident-only;
- 6 (5) Credit;
- 7 (6) Dental;
- 8 (7) Vision;
- 9 (8) Prescription drug;
- 10 (9) Medicare supplement;
- 11 (10) Long-term care;
- 12 (11) Disability income insurance;
- 13 (12) Coverage issued as a supplement to liability insurance;
- 14 (13) Workers' compensation or similar insurance;
- 15 (14) Automobile medical payment insurance;
- 16 (15) Individual health benefit plans of six-months duration or less that are not renewable;
- 17 or
- 18 (16) Individual nonmajor medical insurance.

19 Section 5. That chapter 58-18B be amended by adding thereto a NEW SECTION to read
20 as follows:

21 Every small employer health benefit plan delivered, issued for delivery, or renewed in this
22 state, except for policies that provide coverage for specified disease or other limited benefit
23 coverage, shall provide, in writing, coverage for equipment, supplies, and self-management
24 training and education, including medical nutrition therapy, for treatment of persons diagnosed
25 with diabetes if prescribed by a physician or other licensed health care provider legally authorized

1 to prescribe such treatment.

2 Coverage for equipment and supplies shall include blood glucose monitors, blood glucose
3 monitors for the legally blind, test strips for glucose monitors, urine testing strips, insulin,
4 injection aids, lancets, lancet devices, syringes, insulin pumps and all supplies for the pump,
5 insulin infusion devices, prescribed oral agents for controlling blood sugars, glucose agents,
6 glucagon kits, insulin measurement and administration aids for the visually impaired, and other
7 medical devices medically necessary for treatment of diabetes.

8 Diabetes self-management training and education shall be covered if: (a) the service is
9 provided by a physician, nurse, dietitian, pharmacist, or other licensed health care provider who
10 satisfies the current academic eligibility requirements of the National Certification Board for
11 Diabetic Educators and has completed a course in diabetes education and training or has been
12 certified as a diabetes educator; and (b) the training and education is based upon a diabetes
13 program recognized by the American Diabetes Association or a diabetes program with a
14 curriculum approved by the American Diabetes Association or the South Dakota Department
15 of Health.

16 Coverage of diabetes self-management training is limited to (a) persons who are newly
17 diagnosed with diabetes or have received no prior diabetes education; (b) persons who require
18 a change in current therapy; (c) persons who have a co-morbid condition such as heart disease
19 or renal failure; or (d) persons whose diabetes condition is unstable. The policy shall provide
20 coverage for a minimum of two comprehensive education programs per lifetime and up to eight
21 follow-up visits per year. Coverage is limited to the closest available qualified education program
22 that provides the necessary management training to accomplish the prescribed treatment.

23 The benefits provided in this section are subject to the same dollar limits, deductibles,
24 coinsurance, and other restrictions established for all other benefits covered in the plan.

25 Section 6. That chapter 58-18B be amended by adding thereto a NEW SECTION to read

1 as follows:

2 The provisions of section 5 of this Act do not apply to any plan, policy, or contract that

3 provides coverage only for:

4 (1) Specified disease;

5 (2) Hospital indemnity;

6 (3) Fixed indemnity;

7 (4) Accident-only;

8 (5) Credit;

9 (6) Dental;

10 (7) Vision;

11 (8) Prescription drug;

12 (9) Medicare supplement;

13 (10) Long-term care;

14 (11) Disability income insurance;

15 (12) Coverage issued as a supplement to liability insurance;

16 (13) Workers' compensation or similar insurance;

17 (14) Automobile medical payment insurance;

18 (15) Individual health benefit plans of six-months duration or less that are not renewable;

19 or

20 (16) Individual nonmajor medical insurance.

21 Section 7. That chapter 58-38 be amended by adding thereto a NEW SECTION to read as

22 follows:

23 Every service or indemnity-type contract issued by a nonprofit medical and surgical service

24 plan corporation delivered, issued for delivery, or renewed in this state, except for policies that

25 provide coverage for specified disease or other limited benefit coverage, shall provide, in writing,

1 coverage for equipment, supplies, and self-management training and education, including medical
2 nutrition therapy, for treatment of persons diagnosed with diabetes if prescribed by a physician
3 or other licensed health care provider legally authorized to prescribe such treatment.

4 Coverage for equipment and supplies shall include blood glucose monitors, blood glucose
5 monitors for the legally blind, test strips for glucose monitors, urine testing strips, insulin,
6 injection aids, lancets, lancet devices, syringes, insulin pumps and all supplies for the pump,
7 insulin infusion devices, prescribed oral agents for controlling blood sugars, glucose agents,
8 glucagon kits, insulin measurement and administration aids for the visually impaired, and other
9 medical devices medically necessary for treatment of diabetes.

10 Diabetes self-management training and education shall be covered if: (a) the service is
11 provided by a physician, nurse, dietitian, pharmacist, or other licensed health care provider who
12 satisfies the current academic eligibility requirements of the National Certification Board for
13 Diabetic Educators and has completed a course in diabetes education and training or has been
14 certified as a diabetes educator; and (b) the training and education is based upon a diabetes
15 program recognized by the American Diabetes Association or a diabetes program with a
16 curriculum approved by the American Diabetes Association or the South Dakota Department
17 of Health.

18 Coverage of diabetes self-management training is limited to (a) persons who are newly
19 diagnosed with diabetes or have received no prior diabetes education; (b) persons who require
20 a change in current therapy; (c) persons who have a co-morbid condition such as heart disease
21 or renal failure; or (d) persons whose diabetes condition is unstable. The policy shall provide
22 coverage for a minimum of two comprehensive education programs per lifetime and up to eight
23 follow-up visits per year. Coverage is limited to the closest available qualified education program
24 that provides the necessary management training to accomplish the prescribed treatment.

25 The benefits provided in this section are subject to the same dollar limits, deductibles,

1 coinsurance, and other restrictions established for all other benefits covered in the contract.

2 Section 8. That chapter 58-38 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 The provisions of section 7 of this Act do not apply to any plan, policy, or contract that
5 provides coverage only for:

- 6 (1) Specified disease;
- 7 (2) Hospital indemnity;
- 8 (3) Fixed indemnity;
- 9 (4) Accident-only;
- 10 (5) Credit;
- 11 (6) Dental;
- 12 (7) Vision;
- 13 (8) Prescription drug;
- 14 (9) Medicare supplement;
- 15 (10) Long-term care;
- 16 (11) Disability income insurance;
- 17 (12) Coverage issued as a supplement to liability insurance;
- 18 (13) Workers' compensation or similar insurance;
- 19 (14) Automobile medical payment insurance;
- 20 (15) Individual health benefit plans of six-months duration or less that are not renewable;
- 21 or
- 22 (16) Individual nonmajor medical insurance.

23 Section 9. That chapter 58-40 be amended by adding thereto a NEW SECTION to read as
24 follows:

25 Every service or indemnity-type contract issued by a nonprofit hospital service plan

1 corporation delivered, issued for delivery, or renewed in this state, except for policies that
2 provide coverage for specified disease or other limited benefit coverage, shall provide, in writing,
3 coverage for equipment, supplies, and self-management training and education, including medical
4 nutrition therapy, for treatment of persons diagnosed with diabetes if prescribed by a physician
5 or other licensed health care provider legally authorized to prescribe such treatment.

6 Coverage for equipment and supplies shall include blood glucose monitors, blood glucose
7 monitors for the legally blind, test strips for glucose monitors, urine testing strips, insulin,
8 injection aids, lancets, lancet devices, syringes, insulin pumps and all supplies for the pump,
9 insulin infusion devices, prescribed oral agents for controlling blood sugars, glucose agents,
10 glucagon kits, insulin measurement and administration aids for the visually impaired, and other
11 medical devices medically necessary for treatment of diabetes.

12 Diabetes self-management training and education shall be covered if: (a) the service is
13 provided by a physician, nurse, dietitian, pharmacist, or other licensed health care provider who
14 satisfies the current academic eligibility requirements of the National Certification Board for
15 Diabetic Educators and has completed a course in diabetes education and training or has been
16 certified as a diabetes educator; and (b) the training and education is based upon a diabetes
17 program recognized by the American Diabetes Association or a diabetes program with a
18 curriculum approved by the American Diabetes Association or the South Dakota Department
19 of Health.

20 Coverage of diabetes self-management training is limited to (a) persons who are newly
21 diagnosed with diabetes or have received no prior diabetes education; (b) persons who require
22 a change in current therapy; (c) persons who have a co-morbid condition such as heart disease
23 or renal failure; or (d) persons whose diabetes condition is unstable. The policy shall provide
24 coverage for a minimum of two comprehensive education programs per lifetime and up to eight
25 follow-up visits per year. Coverage is limited to the closest available qualified education program

1 that provides the necessary management training to accomplish the prescribed treatment.

2 The benefits provided in this section are subject to the same dollar limits, deductibles,
3 coinsurance, and other restrictions established for all other benefits covered in the contract.

4 Section 10. That chapter 58-40 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The provisions of section 9 of this Act do not apply to any plan, policy, or contract that
7 provides coverage only for:

- 8 (1) Specified disease;
- 9 (2) Hospital indemnity;
- 10 (3) Fixed indemnity;
- 11 (4) Accident-only;
- 12 (5) Credit;
- 13 (6) Dental;
- 14 (7) Vision;
- 15 (8) Prescription drug;
- 16 (9) Medicare supplement;
- 17 (10) Long-term care;
- 18 (11) Disability income insurance;
- 19 (12) Coverage issued as a supplement to liability insurance;
- 20 (13) Workers' compensation or similar insurance;
- 21 (14) Automobile medical payment insurance;
- 22 (15) Individual health benefit plans of six-months duration or less that are not renewable;
- 23 or
- 24 (16) Individual nonmajor medical insurance.

25 Section 11. That chapter 58-41 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 Every health maintenance contract delivered, issued for delivery, or renewed in this state,
3 except for policies that provide coverage for specified disease or other limited benefit coverage,
4 shall provide, in writing, coverage for equipment, supplies, and self-management training and
5 education, including medical nutrition therapy, for treatment of persons diagnosed with diabetes
6 if prescribed by a physician or other licensed health care provider legally authorized to prescribe
7 such treatment.

8 Coverage for equipment and supplies shall include blood glucose monitors, blood glucose
9 monitors for the legally blind, test strips for glucose monitors, urine testing strips, insulin,
10 injection aids, lancets, lancet devices, syringes, insulin pumps and all supplies for the pump,
11 insulin infusion devices, prescribed oral agents for controlling blood sugars, glucose agents,
12 glucagon kits, insulin measurement and administration aids for the visually impaired, and other
13 medical devices medically necessary for treatment of diabetes.

14 Diabetes self-management training and education shall be covered if: (a) the service is
15 provided by a physician, nurse, dietitian, pharmacist, or other licensed health care provider who
16 satisfies the current academic eligibility requirements of the National Certification Board for
17 Diabetic Educators and has completed a course in diabetes education and training or has been
18 certified as a diabetes educator; and (b) the training and education is based upon a diabetes
19 program recognized by the American Diabetes Association or a diabetes program with a
20 curriculum approved by the American Diabetes Association or the South Dakota Department
21 of Health.

22 Coverage of diabetes self-management training is limited to (a) persons who are newly
23 diagnosed with diabetes or have received no prior diabetes education; (b) persons who require
24 a change in current therapy; (c) persons who have a co-morbid condition such as heart disease
25 or renal failure; or (d) persons whose diabetes condition is unstable. The policy shall provide

1 coverage for a minimum of two comprehensive education programs per lifetime and up to eight
2 follow-up visits per year. Coverage is limited to the closest available qualified education program
3 that provides the necessary management training to accomplish the prescribed treatment.

4 The benefits provided in this section are subject to the same dollar limits, deductibles,
5 coinsurance, and other restrictions established for all other benefits covered in the contract.

6 Section 12. That chapter 58-41 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 The provisions of section 11 of this Act do not apply to any plan, policy, or contract that
9 provides coverage only for:

- 10 (1) Specified disease;
- 11 (2) Hospital indemnity;
- 12 (3) Fixed indemnity;
- 13 (4) Accident-only;
- 14 (5) Credit;
- 15 (6) Dental;
- 16 (7) Vision;
- 17 (8) Prescription drug;
- 18 (9) Medicare supplement;
- 19 (10) Long-term care;
- 20 (11) Disability income insurance;
- 21 (12) Coverage issued as a supplement to liability insurance;
- 22 (13) Workers' compensation or similar insurance;
- 23 (14) Automobile medical payment insurance;
- 24 (15) Individual health benefit plans of six-months duration or less that are not renewable;
- 25 or

- 1 (16) Individual nonmajor medical insurance.

1 **BILL HISTORY**

2 1/22/99 First read in House and referred to Commerce. H.J. 128

3 2/11/99 Scheduled for Committee hearing on this date.

4 2/11/99 Commerce Do Pass Amended, Passed, AYES 10, NAYS 3. H.J. 482

5 2/16/99 House of Representatives Deferred to another day. H.J. 552

6 2/17/99 Motion to Amend, Passed. H.J. 580

7 2/17/99 House of Representatives Do Pass Amended, Passed, AYES 65, NAYS 5. H.J. 584