

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

363C0038

## HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1121** - 2/12/99

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. No less than two  
16 comprehensive education programs per lifetime and up to eight follow-up visits per year may be  
17 covered. Coverage is limited to the closest available qualified education program that provides  
18 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 § 58-17-99 be amended to read as follows:

22 58-17-99. The provisions of § 58-17-98 and section 1 of this Act do not apply to any plan,  
23 policy, or contract that provides coverage only for:

- 24 (1) Specified disease;
- 25 (2) Hospital indemnity;

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

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

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

22 Coverage for equipment and supplies shall include blood glucose monitors, blood glucose  
23 monitors for the legally blind, test strips for glucose monitors, urine testing strips, insulin,  
24 injection aids, lancets, lancet devices, syringes, insulin pumps and all supplies for the pump,  
25 insulin infusion devices, prescribed oral agents for controlling blood sugars, glucose agents,

1 glucagon kits, insulin measurement and administration aids for the visually impaired, and other  
2 medical devices medically necessary for treatment of diabetes.

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

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

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

20 Section 4. That § 58-18-81 be amended to read as follows:

21 58-18-81. The provisions of § 58-18-80 and section 3 of this Act do not apply to any plan,  
22 policy, or contract that provides coverage only for:

- 23 (1) Specified disease;
- 24 (2) Hospital indemnity;
- 25 (3) Fixed indemnity;

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

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

15 Every small employer health benefit plan delivered, issued for delivery, or renewed in this  
16 state, except for policies that provide coverage for specified disease or other limited benefit  
17 coverage, shall provide, in writing, coverage for equipment, supplies, and self-management  
18 training and education, including medical nutrition therapy, for treatment of persons diagnosed  
19 with diabetes if prescribed by a physician or other licensed health care provider legally authorized  
20 to prescribe such treatment.

21 Coverage for equipment and supplies shall include blood glucose monitors, blood glucose  
22 monitors for the legally blind, test strips for glucose monitors, urine testing strips, insulin,  
23 injection aids, lancets, lancet devices, syringes, insulin pumps and all supplies for the pump,  
24 insulin infusion devices, prescribed oral agents for controlling blood sugars, glucose agents,  
25 glucagon kits, insulin measurement and administration aids for the visually impaired, and other

1 medical devices medically necessary for treatment of diabetes.

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

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

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

19 Section 6. That § 58-18B-54 be amended to read as follows:

20 58-18B-54. The provisions of § 58-18B-53 and section 5 of this Act do not apply to any  
21 plan, policy, or contract that provides coverage only for:

- 22 (1) Specified disease;
- 23 (2) Hospital indemnity;
- 24 (3) Fixed indemnity;
- 25 (4) Accident-only;

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

12 Section 7. That chapter 58-38 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 Every service or indemnity-type contract issued by a nonprofit medical and surgical service  
15 plan corporation delivered, issued for delivery, or renewed in this state, except for policies that  
16 provide coverage for specified disease or other limited benefit coverage, shall provide, in writing,  
17 coverage for equipment, supplies, and self-management training and education, including medical  
18 nutrition therapy, for treatment of persons diagnosed with diabetes if prescribed by a physician  
19 or other licensed health care provider legally authorized to prescribe such treatment.

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

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

9 Coverage of diabetes self-management training is limited to (a) persons who are newly  
10 diagnosed with diabetes or have received no prior diabetes education; (b) persons who require  
11 a change in current therapy; (c) persons who have a co-morbid condition such as heart disease  
12 or renal failure; or (d) persons whose diabetes condition is unstable. No less than two  
13 comprehensive education programs per lifetime and up to eight follow-up visits per year may be  
14 covered. Coverage is limited to the closest available qualified education program that provides  
15 the necessary management training to accomplish the prescribed treatment.

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

18 Section 8. That § 58-38-41 be amended to read as follows:

19 58-38-41. The provisions of § 58-38-40 and section 7 of this Act do not apply to any plan,  
20 policy, or contract that provides coverage only for:

- 21 (1) Specified disease;
- 22 (2) Hospital indemnity;
- 23 (3) Fixed indemnity;
- 24 (4) Accident-only;
- 25 (5) Credit;

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

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

13       Every service or indemnity-type contract issued by a nonprofit hospital service plan  
14 corporation delivered, issued for delivery, or renewed in this state, except for policies that  
15 provide coverage for specified disease or other limited benefit coverage, shall provide, in writing,  
16 coverage for equipment, supplies, and self-management training and education, including medical  
17 nutrition therapy, for treatment of persons diagnosed with diabetes if prescribed by a physician  
18 or other licensed health care provider legally authorized to prescribe such treatment.

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

25       Diabetes self-management training and education shall be covered if: (a) the service is

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

8 Coverage of diabetes self-management training is limited to (a) persons who are newly  
9 diagnosed with diabetes or have received no prior diabetes education; (b) persons who require  
10 a change in current therapy; (c) persons who have a co-morbid condition such as heart disease  
11 or renal failure; or (d) persons whose diabetes condition is unstable. No less than two  
12 comprehensive education programs per lifetime and up to eight follow-up visits per year may be  
13 covered. Coverage is limited to the closest available qualified education program that provides  
14 the necessary management training to accomplish the prescribed treatment.

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

17 Section 10. That § 58-40-38 be amended to read as follows:

18 58-40-38. The provisions of § 58-40-37 and section 9 of this Act do not apply to any plan,  
19 policy, or contract that provides coverage only for:

- 20 (1) Specified disease;
- 21 (2) Hospital indemnity;
- 22 (3) Fixed indemnity;
- 23 (4) Accident-only;
- 24 (5) Credit;
- 25 (6) Dental;

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

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

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

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

24 Diabetes self-management training and education shall be covered if: (a) the service is  
25 provided by a physician, nurse, dietitian, pharmacist, or other licensed health care provider who

1 satisfies the current academic eligibility requirements of the National Certification Board for  
2 Diabetic Educators and has completed a course in diabetes education and training or has been  
3 certified as a diabetes educator; and (b) the training and education is based upon a diabetes  
4 program recognized by the American Diabetes Association or a diabetes program with a  
5 curriculum approved by the American Diabetes Association or the South Dakota Department  
6 of Health.

7 Coverage of diabetes self-management training is limited to (a) persons who are newly  
8 diagnosed with diabetes or have received no prior diabetes education; (b) persons who require  
9 a change in current therapy; (c) persons who have a co-morbid condition such as heart disease  
10 or renal failure; or (d) persons whose diabetes condition is unstable. No less than two  
11 comprehensive education programs per lifetime and up to eight follow-up visits per year may be  
12 covered. Coverage is limited to the closest available qualified education program that provides  
13 the necessary management training to accomplish the prescribed treatment.

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

16 Section 12. That § 58-41-116 be amended to read as follows:

17 58-41-116. The provisions of § 58-41-115 and section 11 of this Act do not apply to any  
18 plan, policy, or contract that provides coverage only for:

- 19 (1) Specified disease;
- 20 (2) Hospital indemnity;
- 21 (3) Fixed indemnity;
- 22 (4) Accident-only;
- 23 (5) Credit;
- 24 (6) Dental;
- 25 (7) Vision;

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

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