

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

363C0038

SENATE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. HB1121 -
2/22/99

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. Medical nutrition therapy does not include any food items or nonprescription
12 drugs.

13 Coverage for medically necessary equipment and supplies shall include blood glucose

1 monitors, blood glucose monitors for the legally blind, test strips for glucose monitors, urine
2 testing strips, insulin, injection aids, lancets, lancet devices, syringes, insulin pumps and all
3 supplies for the pump, insulin infusion devices, prescribed oral agents for controlling blood
4 sugars, glucose agents, glucagon kits, insulin measurement and administration aids for the
5 visually impaired, and other medical devices 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. Under these circumstances,
18 no more than two comprehensive education programs per lifetime and up to eight follow-up
19 visits per year need be covered. Coverage is limited to the closest available qualified education
20 program that provides the necessary management training to accomplish the prescribed
21 treatment.

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

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

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

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

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

22 Every group health insurance policy delivered, issued for delivery or renewed in this state,
23 except for policies that provide coverage for special disease or other limited benefit coverage,
24 shall provide, in writing, coverage for equipment, supplies, and self-management training and
25 education, including medical nutrition therapy, for treatment of persons diagnosed with diabetes

1 if prescribed by a physician or other licensed health care provider legally authorized to prescribe
2 such treatment. Medical nutrition therapy does not include any food items or nonprescription
3 drugs.

4 Coverage for medically necessary equipment and supplies shall include blood glucose
5 monitors, blood glucose monitors for the legally blind, test strips for glucose monitors, urine
6 testing strips, insulin, injection aids, lancets, lancet devices, syringes, insulin pumps and all
7 supplies for the pump, insulin infusion devices, prescribed oral agents for controlling blood
8 sugars, glucose agents, glucagon kits, insulin measurement and administration aids for the
9 visually impaired, and other medical devices 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. Under these circumstances,
22 no more than two comprehensive education programs per lifetime and up to eight follow-up
23 visits per year need be covered. Coverage is limited to the closest available qualified education
24 program that provides the necessary management training to accomplish the prescribed
25 treatment.

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

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

5 The provisions of section 3 of this Act do not apply to any plan, policy, or contract that
6 provides coverage only for:

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

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

1 Every small employer health benefit plan delivered, issued for delivery, or renewed in this
2 state, except for policies that provide coverage for specified disease or other limited benefit
3 coverage, shall provide, in writing, coverage for equipment, supplies, and self-management
4 training and education, including medical nutrition therapy, for treatment of persons diagnosed
5 with diabetes if prescribed by a physician or other licensed health care provider legally authorized
6 to prescribe such treatment. Medical nutrition therapy does not include any food items or
7 nonprescription drugs.

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

1 no more than two comprehensive education programs per lifetime and up to eight follow-up
2 visits per year need be covered. Coverage is limited to the closest available qualified education
3 program that provides the necessary management training to accomplish the prescribed
4 treatment.

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

7 Section 6. That chapter 58-18B be amended by adding thereto a NEW SECTION to read
8 as follows:

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

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

1 or

2 (16) Individual nonmajor medical insurance.

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

5 Every service or indemnity-type contract issued by a nonprofit medical and surgical service
6 plan corporation delivered, issued for delivery, or renewed in this state, except for policies that
7 provide coverage for specified disease or other limited benefit coverage, shall provide, in writing,
8 coverage for equipment, supplies, and self-management training and education, including medical
9 nutrition therapy, for treatment of persons diagnosed with diabetes if prescribed by a physician
10 or other licensed health care provider legally authorized to prescribe such treatment. Medical
11 nutrition therapy does not include any food items or nonprescription drugs.

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

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

1 Coverage of diabetes self-management training is limited to (a) persons who are newly
2 diagnosed with diabetes or have received no prior diabetes education; (b) persons who require
3 a change in current therapy; (c) persons who have a co-morbid condition such as heart disease
4 or renal failure; or (d) persons whose diabetes condition is unstable. Under these circumstances,
5 no more than two comprehensive education programs per lifetime and up to eight follow-up
6 visits per year need be covered. Coverage is limited to the closest available qualified education
7 program that provides the necessary management training to accomplish the prescribed
8 treatment.

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

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

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

- 15 (1) Specified disease;
- 16 (2) Hospital indemnity;
- 17 (3) Fixed indemnity;
- 18 (4) Accident-only;
- 19 (5) Credit;
- 20 (6) Dental;
- 21 (7) Vision;
- 22 (8) Prescription drug;
- 23 (9) Medicare supplement;
- 24 (10) Long-term care;
- 25 (11) Disability income insurance;

- 1 (12) Coverage issued as a supplement to liability insurance;
- 2 (13) Workers' compensation or similar insurance;
- 3 (14) Automobile medical payment insurance;
- 4 (15) Individual health benefit plans of six-months duration or less that are not renewable;
- 5 or
- 6 (16) Individual nonmajor medical insurance.

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

9 Every service or indemnity-type contract issued by a nonprofit hospital service plan
10 corporation delivered, issued for delivery, or renewed in this state, except for policies that
11 provide coverage for specified disease or other limited benefit coverage, shall provide, in writing,
12 coverage for equipment, supplies, and self-management training and education, including medical
13 nutrition therapy, for treatment of persons diagnosed with diabetes if prescribed by a physician
14 or other licensed health care provider legally authorized to prescribe such treatment. Medical
15 nutrition therapy does not include any food items or nonprescription drugs.

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

22 Diabetes self-management training and education shall be covered if: (a) the service is
23 provided by a physician, nurse, dietitian, pharmacist, or other licensed health care provider who
24 satisfies the current academic eligibility requirements of the National Certification Board for
25 Diabetic Educators and has completed a course in diabetes education and training or has been

1 certified as a diabetes educator; and (b) the training and education is based upon a diabetes
2 program recognized by the American Diabetes Association or a diabetes program with a
3 curriculum approved by the American Diabetes Association or the South Dakota Department
4 of Health.

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

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

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

17 The provisions of section 9 of this Act do not apply to any plan, policy, or contract that
18 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;
- 8 (15) Individual health benefit plans of six-months duration or less that are not renewable;
- 9 or
- 10 (16) Individual nonmajor medical insurance.

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

13 Every health maintenance contract delivered, issued for delivery, or renewed in this state,
14 except for policies that provide coverage for specified disease or other limited benefit coverage,
15 shall provide, in writing, coverage for equipment, supplies, and self-management training and
16 education, including medical nutrition therapy, for treatment of persons diagnosed with diabetes
17 if prescribed by a physician or other licensed health care provider legally authorized to prescribe
18 such treatment. Medical nutrition therapy does not include any food items or nonprescription
19 drugs.

20 Coverage for medically necessary equipment and supplies shall include blood glucose
21 monitors, blood glucose monitors for the legally blind, test strips for glucose monitors, urine
22 testing strips, insulin, injection aids, lancets, lancet devices, syringes, insulin pumps and all
23 supplies for the pump, insulin infusion devices, prescribed oral agents for controlling blood
24 sugars, glucose agents, glucagon kits, insulin measurement and administration aids for the
25 visually impaired, and other medical devices 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. Under these circumstances,
13 no more than two comprehensive education programs per lifetime and up to eight follow-up
14 visits per year need be covered. Coverage is limited to the closest available qualified education
15 program that provides the necessary management training to accomplish the prescribed
16 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 contract.

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

21 The provisions of section 11 of this Act do not apply to any plan, policy, or contract that
22 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;
- 12 (15) Individual health benefit plans of six-months duration or less that are not renewable;
- 13 or
- 14 (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

8 2/18/99 First read in Senate and referred to Commerce. S.J. 565

9 2/18/99 Senate Referred to Health and Human Services. S.J. 568

10 2/22/99 Scheduled for Committee hearing on this date.

11 2/22/99 Health and Human Services Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 613