

1 S.164

2 Introduced by Senators Hardy and Ram Hinsdale

3 Referred to Committee on

4 Date:

5 Subject: Health; health insurance; Medicaid; obesity care

6 Statement of purpose of bill as introduced: This bill proposes to require health
7 insurance, including Medicaid, to provide comprehensive coverage of
8 treatment for obesity.

9 An act relating to health insurance coverage for obesity care

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 8 V.S.A. § 4088n is added to read:

12 § 4088n. COVERAGE FOR OBESITY CARE

13 (a) As used in this section:

14 (1) “Health care provider” means a person, partnership, or corporation,
15 other than a facility or institution, that is licensed, certified, or otherwise
16 authorized by law to provide professional health care services in this State to
17 an individual during that individual’s medical care, treatment, or confinement.

18 (2) “Health insurance plan” means any health insurance policy or health
19 benefit plan offered by a health insurer, as defined in 18 V.S.A. § 9402, as well
20 as Medicaid and any other public health care assistance program offered or

1 administered by the State or by any subdivision or instrumentality of the State.

2 The term does not include policies or plans providing coverage for a specified
3 disease or other limited benefit coverage.

4 (b) A health insurance plan shall provide comprehensive coverage for
5 treatment of obesity, including:

6 (1) anti-obesity medications approved by the U.S. Food and Drug
7 Administration;

8 (2) access to effective lifestyle interventions, including nutrition
9 counseling, nutrient tracking, and exercise planning and tracking with
10 coaching; and

11 (3) surgery for treatment of obesity, including bariatric surgery.

12 (c) Access to treatment for obesity shall be based on a health care
13 provider's clinical determination that the treatment is medically necessary for
14 the patient and may be supported by evidence-based approaches for measuring
15 metabolic health other than a calculation of body mass index.

16 (d) A health insurance plan shall not impose any greater coinsurance, co-
17 payment, deductible, or other cost-sharing requirement for coverage of
18 treatment for obesity than applies to the diagnosis and treatment of any other
19 physical or mental condition under the plan.

20 (e) Any prior authorization requirements for treatment of obesity shall be
21 aligned with best practices for access to care and shall not be unnecessarily

1 complex or present unreasonable barriers to obtaining medically necessary
2 care.

3 Sec. 2. EFFECTIVE DATE

4 This act shall take effect on January 1, 2025 and shall apply to all health
5 insurance plans issued on and after January 1, 2025 on such date as a health
6 insurer offers, issues, or renews the health insurance plan, but in no event later
7 than January 1, 2026.