



Senate

General Assembly

File No. 164

February Session, 2022

Substitute Senate Bill No. 282

Senate, March 29, 2022

The Committee on Human Services reported through SEN. MOORE of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING MEDICAL ASSISTANCE FOR SURGICAL AND PRESCRIPTION DRUG TREATMENT OF SEVERE OBESITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) As used in this section:

2 (1) "Body mass index" means the number calculated by dividing an
3 individual's weight in kilograms by the individual's height in meters
4 squared;

5 (2) "Severe obesity" means a body mass index that is:

6 (A) Greater than forty; or

7 (B) Thirty-five or more if an individual has been diagnosed with a
8 comorbid disease or condition, including, but not limited to, a
9 cardiopulmonary condition, diabetes, hypertension or sleep apnea; and

10 (3) "Medically necessary" has the same meaning as provided in
11 section 17b-259b of the general statutes.

12 (b) On and after April 1, 2023, the Commissioner of Social Services,
 13 subject to federal approval and compliance with applicable federal
 14 requirements, may provide reimbursement under the Medicaid
 15 program and Children's Health Insurance Program for (1) medically
 16 necessary, covered surgical treatment of severe obesity, including, but
 17 not limited to, related hospital services, and (2) medically necessary,
 18 covered outpatient prescription drugs to treat severe obesity.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	New section

HS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Social Services, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill could result in a cost to the state by allowing the Department of Social Service (DSS) to provide Medicaid and HUSKY B coverage of surgical treatments for severe obesity and associated outpatient prescription drugs, as medically necessary. The cost is dependent on the extent to which the agency provides additional coverage and experiences increased utilization of such reimbursable services, on and after 4/1/23.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 282*****AN ACT CONCERNING MEDICAL ASSISTANCE FOR SURGICAL AND PRESCRIPTION DRUG TREATMENT OF SEVERE OBESITY.*****SUMMARY**

Beginning April 1, 2023, and subject to federal approval and compliance, this bill authorizes the social services commissioner to reimburse, under the Medicaid program and the Children's Health Insurance Program (CHIP, also known as HUSKY B, see BACKGROUND), for medically necessary covered treatment of severe obesity, specifically (1) surgery, including related hospital services and (2) outpatient prescription drugs.

In practice, covered treatment of obesity under the state's Medicaid program and HUSKY B is currently limited to surgical treatments, with required prior authorization. However, these surgical treatments are only covered when obesity is caused by an illness or is making an illness worse. So, subject to federal approval, the bill adds outpatient prescription drugs as a covered obesity treatment option under both programs and eliminates their requirements that a comorbidity exist.

The bill defines "severe obesity" as a body mass index (BMI, calculated by dividing an individual's weight in kilograms by their height in meters squared) greater than 40 or greater than 35 with comorbidities (e.g., cardiopulmonary condition, diabetes, hypertension, or sleep apnea).

EFFECTIVE DATE: October 1, 2022

BACKGROUND***HUSKY B***

HUSKY B provides medically necessary health care coverage for

uninsured children under age 19 in families with household incomes between 196% and 318% of the federal poverty limit who do not qualify for HUSKY A (Medicaid). Unlike Medicaid, it is a capped program (i.e., a block grant), and, as such, the federal government annually determines the share of program funding it will pay to the state. Families receiving HUSKY B services must contribute towards the care cost, and these contributions rise as family income rises.

Medically Necessary Services

Under the state’s Medicaid program, medically necessary services are those health services required to prevent, identify, diagnose, treat, rehabilitate, or ameliorate an individual’s medical condition, including mental illness, or its effects, to attain or maintain the individual’s achievable health and independent functioning (CGS § 17b-259b). Medically necessary services must also be:

1. consistent with generally accepted standards of medical practice;
2. clinically appropriate in terms of type, frequency, timing, site, extent, and duration and considered effective for the individual’s illness, injury, or disease;
3. not primarily for the individual’s or provider’s convenience;
4. not more costly than an alternative service likely to produce equivalent therapeutic or diagnostic results; and
5. based on an assessment of the individual and his or her medical condition.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/17/2022)