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**By: Delegate Elliott**

Introduced and read first time: January 10, 1996

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurers and Health Maintenance Organizations - Coverage for Hospital Stays**  
3 **for Postpartum Mothers and Infants**

4 FOR the purpose of requiring health insurers and health maintenance organizations to  
5 provide inpatient hospitalization coverage for a mother and newborn for a specified  
6 minimum length of time under certain circumstances; providing a certain exception;  
7 requiring certain persons to provide a certain notice to a mother; defining a certain  
8 term; and generally relating to requiring health insurers and health maintenance  
9 organizations to provide inpatient hospitalization coverage for a mother and  
10 newborn child for a specified minimum length of time.

11 BY repealing and reenacting, with amendments,  
12 Article 48A - Insurance Code  
13 Section 354F, 470H, and 477-I  
14 Annotated Code of Maryland  
15 (1994 Replacement Volume and 1995 Supplement)

16 BY adding to  
17 Article - Health - General  
18 Section 19-703(g)  
19 Annotated Code of Maryland  
20 (1990 Replacement Volume and 1995 Supplement)

21 BY repealing  
22 Article - Health - General  
23 Section 19-1305.4  
24 Annotated Code of Maryland  
25 (1990 Replacement Volume and 1995 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
27 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article 48A - Insurance Code**

2 354F.

3 (A) Every nonprofit health insurer who issues or delivers a health insurance policy  
4 to any person in this State under which any hospitalization benefits are provided for  
5 normal pregnancy shall provide those benefits for the cost of hospitalization for childbirth  
6 to the same extent as the hospitalization benefit provided in the policy for any covered  
7 illness.

8 (B) (1) IN THIS SUBSECTION, "ATTENDING PHYSICIAN" MEANS AN  
9 OBSTETRICIAN, PEDIATRICIAN, OR OTHER PHYSICIAN ATTENDING THE MOTHER OR  
10 NEWBORN CHILD.

11 (2) THE HOSPITALIZATION BENEFITS REQUIRED UNDER SUBSECTION  
12 (A) OF THIS SECTION SHALL INCLUDE, FOR A MOTHER AND NEWBORN CHILD,  
13 COVERAGE FOR A MINIMUM OF:

14 (I) 48 HOURS OF INPATIENT HOSPITALIZATION CARE FOLLOWING  
15 A VAGINAL DELIVERY; AND

16 (II) 96 HOURS OF INPATIENT HOSPITALIZATION CARE FOLLOWING  
17 A CESAREAN SECTION.

18 (3) A NONPROFIT HEALTH INSURER THAT PROVIDES COVERAGE FOR  
19 POSTDELIVERY CARE FOR A MOTHER AND NEWBORN CHILD IN THE HOME IS NOT  
20 REQUIRED TO PROVIDE THE MINIMUM LENGTH OF INPATIENT HOSPITALIZATION  
21 COVERAGE UNDER PARAGRAPH (2) OF THIS SUBSECTION, UNLESS THE ATTENDING  
22 PHYSICIAN DETERMINES THAT INPATIENT HOSPITALIZATION IS MEDICALLY  
23 NECESSARY OR INPATIENT HOSPITALIZATION IS REQUESTED BY THE MOTHER.

24 (4) THE ATTENDING PHYSICIAN OF THE MOTHER OR DESIGNEE OF THE  
25 ATTENDING PHYSICIAN SHALL PROVIDE NOTICE TO THE MOTHER OF THE  
26 PROVISIONS OF THIS SUBSECTION.

27 (C) This [provision] SECTION may not be construed[, however,] to require any  
28 insurer to provide benefits for pregnancy or childbirth in any policy.

29 470H.

30 (A) Every insurer who issues or delivers an individual health insurance policy to  
31 any person in this State under which any hospitalization benefits are provided for normal  
32 pregnancy shall provide those benefits for the cost of hospitalization for childbirth to the  
33 same extent as the hospitalization benefit provided in the policy for any covered illness.

34 (B) (1) IN THIS SUBSECTION, "ATTENDING PHYSICIAN" MEANS AN  
35 OBSTETRICIAN, PEDIATRICIAN, OR OTHER PHYSICIAN ATTENDING THE MOTHER OR  
36 NEWBORN CHILD.

37 (2) THE HOSPITALIZATION BENEFITS REQUIRED UNDER SUBSECTION  
38 (A) OF THIS SECTION SHALL INCLUDE, FOR A MOTHER AND NEWBORN CHILD,  
39 COVERAGE FOR A MINIMUM OF:

3

1 (I) 48 HOURS OF INPATIENT HOSPITALIZATION CARE FOLLOWING  
2 A VAGINAL DELIVERY; AND

3 (II) 96 HOURS OF INPATIENT HOSPITALIZATION CARE FOLLOWING  
4 A CESAREAN SECTION.

5 (3) AN INSURER THAT PROVIDES COVERAGE FOR POSTDELIVERY CARE  
6 FOR A MOTHER AND NEWBORN CHILD IN THE HOME IS NOT REQUIRED TO PROVIDE  
7 THE MINIMUM LENGTH OF INPATIENT HOSPITALIZATION COVERAGE UNDER  
8 PARAGRAPH (2) OF THIS SUBSECTION, UNLESS THE ATTENDING PHYSICIAN  
9 DETERMINES THAT INPATIENT HOSPITALIZATION IS MEDICALLY NECESSARY OR  
10 INPATIENT HOSPITALIZATION IS REQUESTED BY THE MOTHER.

11 (4) THE ATTENDING PHYSICIAN OF THE MOTHER OR DESIGNEE OF THE  
12 ATTENDING PHYSICIAN SHALL PROVIDE NOTICE TO THE MOTHER OF THE  
13 PROVISIONS OF THIS SUBSECTION.

14 (C) This [provision] SECTION may not be construed[, however,] to require any  
15 insurer to provide benefits for pregnancy or childbirth in any policy.

16 477-I.

17 (A) Every insurer who issues or delivers a group or blanket health insurance policy  
18 under which any hospitalization benefits are provided for normal pregnancy shall provide  
19 those benefits for the cost of hospitalization for childbirth to the same extent as the  
20 hospitalization benefit provided in the policy for any covered illness.

21 (B) (1) IN THIS SUBSECTION, "ATTENDING PHYSICIAN" MEANS AN  
22 OBSTETRICIAN, PEDIATRICIAN, OR OTHER PHYSICIAN ATTENDING THE MOTHER OR  
23 NEWBORN CHILD.

24 (2) THE HOSPITALIZATION BENEFITS REQUIRED UNDER SUBSECTION  
25 (A) OF THIS SECTION SHALL INCLUDE, FOR A MOTHER AND NEWBORN CHILD,  
26 COVERAGE FOR A MINIMUM OF:

27 (I) 48 HOURS OF INPATIENT HOSPITALIZATION CARE FOLLOWING  
28 A VAGINAL DELIVERY; AND

29 (II) 96 HOURS OF INPATIENT HOSPITALIZATION CARE FOLLOWING  
30 A CESAREAN SECTION.

31 (3) AN INSURER THAT PROVIDES COVERAGE FOR POSTDELIVERY CARE  
32 FOR A MOTHER AND NEWBORN CHILD IN THE HOME IS NOT REQUIRED TO PROVIDE  
33 THE MINIMUM LENGTH OF INPATIENT HOSPITALIZATION COVERAGE UNDER  
34 PARAGRAPH (2) OF THIS SUBSECTION, UNLESS THE ATTENDING PHYSICIAN  
35 DETERMINES THAT INPATIENT HOSPITALIZATION IS MEDICALLY NECESSARY OR  
36 INPATIENT HOSPITALIZATION IS REQUESTED BY THE MOTHER.

37 (4) THE ATTENDING PHYSICIAN OF THE MOTHER OR DESIGNEE OF THE  
38 ATTENDING PHYSICIAN SHALL PROVIDE NOTICE TO THE MOTHER OF THE  
39 PROVISIONS OF THIS SUBSECTION.

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1 (C) This [provision] SECTION may not be construed[, however,] to require any  
2 insurer to provide benefits for pregnancy or childbirth in any policy.

3 **Article - Health - General**

4 19-703.

5 (G) (1) IN THIS SUBSECTION, "ATTENDING PHYSICIAN" MEANS AN  
6 OBSTETRICIAN, PEDIATRICIAN, OR OTHER PHYSICIAN ATTENDING THE MOTHER OR  
7 NEWBORN CHILD.

8 (2) AS PART OF ITS HOSPITALIZATION SERVICES PROVIDED TO  
9 MEMBERS AND SUBSCRIBERS, A HEALTH MAINTENANCE ORGANIZATION SHALL  
10 PROVIDE PAYMENT FOR THE COST OF INPATIENT HOSPITALIZATION CARE FOR A  
11 MOTHER AND NEWBORN CHILD FOR A MINIMUM OF:

12 (I) 48 HOURS OF INPATIENT HOSPITALIZATION CARE FOLLOWING  
13 A VAGINAL DELIVERY; AND

14 (II) 96 HOURS OF INPATIENT HOSPITALIZATION CARE FOLLOWING  
15 A CESAREAN SECTION.

16 (3) A HEALTH MAINTENANCE ORGANIZATION THAT PROVIDES  
17 COVERAGE FOR POSTDELIVERY CARE FOR A MOTHER AND NEWBORN CHILD IN  
18 THE HOME IS NOT REQUIRED TO PROVIDE THE MINIMUM LENGTH OF INPATIENT  
19 HOSPITALIZATION COVERAGE UNDER PARAGRAPH (2) OF THIS SUBSECTION,  
20 UNLESS THE ATTENDING PHYSICIAN DETERMINES THAT INPATIENT  
21 HOSPITALIZATION IS MEDICALLY NECESSARY OR INPATIENT HOSPITALIZATION IS  
22 REQUESTED BY THE MOTHER.

23 (4) THE HEALTH MAINTENANCE ORGANIZATION SHALL PROVIDE  
24 NOTICE TO MEMBERS AND SUBSCRIBERS REGARDING THE COVERAGE REQUIRED  
25 UNDER THIS SUBSECTION.

26 [19-1305.4.

27 (a) Except as provided in subsection (b) of this section, the criteria and standards  
28 used by a private review agent or health maintenance organization in performing  
29 utilization review of hospital services related to maternity and newborn care, including  
30 length of stay, shall be in accordance with the medical criteria outlined in the most  
31 current version of the "Guidelines for Perinatal Care" prepared by the American  
32 Academy of Pediatrics and the American College of Obstetricians and Gynecologists.

33 (b) A private review agent or health maintenance organization may authorize a  
34 shorter length of hospital stay for services related to maternity and newborn care  
35 provided the newborn meets the criteria for medical stability in the "Guidelines for  
36 Perinatal Care" and the private review agent or health maintenance organization  
37 authorizes for the mother and child an initial postpartum home visit which would include  
38 the collection of an adequate sample for the hereditary and metabolic newborn screening,  
39 when indicated.]

40 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
41 October 1, 1996.

