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**By: Delegate La Vay**

Introduced and read first time: February 24, 1997

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Health Benefits - In Vitro Fertilization - Mandated Offering**

3 FOR the purpose of altering a certain provision mandating inclusion of certain benefits  
4 for in vitro fertilization in health benefits plans; requiring certain health benefits  
5 plans to offer benefits for in vitro fertilization; specifying plans to which this Act is  
6 applicable; and generally relating to benefits for in vitro fertilization.

7 BY repealing and reenacting, with amendments,  
8 Article - Insurance  
9 Section 15-810  
10 Annotated Code of Maryland  
11 (1995 Volume and 1996 Supplement)  
12 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
13 1997)

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

16 **Article - Insurance**

17 15-810.

18 (a) This section applies to:

19 (1) each individual hospital or major medical insurance policy of an insurer  
20 that[;

21 (i) 1.] is delivered or issued for delivery in the State[; or

22 2. covers individuals who reside and work in the State; and

23 (ii)] AND is written on an expense-incurred basis;

24 (2) each group or blanket health insurance policy of an insurer that[;

25 (i) 1.] is issued or delivered in the State[; or

26 2. covers individuals who reside and work in the State; and

27 (ii)] AND is written on an expense-incurred basis; and

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1 (3) each individual or group medical or major medical contract or certificate  
2 of a nonprofit health service plan that[:

3 (i)] is issued or delivered in the State[; or

4 (ii) covers individuals who reside and work in the State] AND IS  
5 WRITTEN ON AN EXPENSE-INCURRED BASIS.

6 (b) (1) A policy, contract, or certificate subject to this section that provides  
7 pregnancy-related benefits[ may not exclude] SHALL OFFER benefits for all outpatient  
8 expenses arising from in vitro fertilization procedures performed on the policyholder,  
9 subscriber, or certificate holder, or dependent spouse of the policyholder, subscriber, or  
10 certificate holder.

11 (2) The benefits under this subsection shall be [provided] OFFERED to the  
12 same extent as the benefits provided for other pregnancy-related procedures.

13 (c) Subsection (b) of this section applies if:

14 (1) the patient is the policyholder, subscriber, or certificate holder, or a  
15 covered dependent of the policyholder, subscriber, or certificate holder;

16 (2) the patient's oocytes are fertilized with the patient's spouse's sperm;

17 (3) (i) the patient and the patient's spouse have a history of infertility of  
18 at least 5 years' duration; or

19 (ii) the infertility is associated with any of the following medical  
20 conditions:

21 1. endometriosis;

22 2. exposure in utero to diethylstilbestrol, commonly known as  
23 DES; or

24 3. blockage of, or surgical removal of, one or both fallopian  
25 tubes (lateral or bilateral salpingectomy);

26 (4) the patient has been unable to attain a successful pregnancy through a  
27 less costly infertility treatment for which coverage is available under the policy, contract,  
28 or certificate; and

29 (5) the in vitro fertilization procedures are performed at medical facilities  
30 that conform to the American College of Obstetricians and Gynecologists guidelines for  
31 in vitro fertilization clinics or to the American Fertility Society minimal standards for  
32 programs of in vitro fertilization.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 1997.