

HOUSE BILL 350

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2000 Regular Session
(01r1687)

ENROLLED BILL
-- Economic Matters/Finance --

Introduced by **Delegates Clagett, Rosso, and ~~Rzepkowski~~ Rzepkowski, Brown, Busch, Donoghue, Fulton, Harrison, Love, and Moe**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Health Insurance - Coverage for In Vitro Fertilization**

3 FOR the purpose of prohibiting certain insurers, nonprofit health service plans, and
4 health maintenance organizations from excluding certain benefits for in vitro
5 fertilization under certain circumstances; providing that the requirement that
6 the patient and the patient's spouse have a history of infertility of a certain
7 duration to be eligible for certain in vitro fertilization health insurance benefits
8 does not apply if the infertility is associated with abnormal male factors
9 contributing to the infertility; *requiring that certain benefits be provided to*
10 *certain extents*; decreasing the duration of time for which certain individuals
11 must have a history of infertility in order to be eligible for certain in vitro
12 fertilization health insurance benefits; authorizing certain insurers, nonprofit
13 health service plans, and health maintenance organizations to limit coverage for
14 certain in vitro fertilization benefits; *providing for an exclusion from certain*
15 *required coverage under certain circumstances*; providing for the application of
16 this Act; and generally relating to coverage of benefits for in vitro fertilization.

1 BY adding to
 2 Article - Health - General
 3 Section 19-706(nn)
 4 Annotated Code of Maryland
 5 (1996 Replacement Volume and 1999 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article - Insurance
 8 Section 15-810
 9 Annotated Code of Maryland
 10 (1997 Volume and 1999 Supplement)

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

13 **Article - Health - General**

14 19-706.

15 (NN) THE PROVISIONS OF § 15-810 OF THE INSURANCE ARTICLE APPLY TO
 16 HEALTH MAINTENANCE ORGANIZATIONS.

17 **Article - Insurance**

18 15-810.

19 (a) This section applies to:

20 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE
 21 HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN
 22 EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES THAT ARE ISSUED
 23 OR DELIVERED IN THE STATE; AND

24 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL,
 25 MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS
 26 THAT ARE ISSUED OR DELIVERED IN THE STATE.

27 (1) each individual hospital or major medical insurance policy of an
 28 ~~insurer that:~~

29 (i) 1. ~~is delivered or issued for delivery in the State; or~~

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

31 (ii) ~~is written on an expense incurred basis;~~

32 (2) ~~each group or blanket health insurance policy of an insurer that:~~

33 (i) 1. ~~is issued or delivered in the State; or~~

1 (4) the patient has been unable to attain a successful pregnancy through
2 a less costly infertility treatment for which coverage is available under the ~~policy,~~
3 ~~contract, or certificate~~ POLICY OR CONTRACT; and

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

8 (D) AN ENTITY SUBJECT TO THIS SECTION MAY LIMIT COVERAGE OF THE
9 BENEFITS REQUIRED UNDER THIS SECTION TO THREE IN VITRO FERTILIZATION
10 ATTEMPTS PER LIVE BIRTH, NOT TO EXCEED A MAXIMUM LIFETIME BENEFIT OF
11 \$100,000.

12 (E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF THE
13 COVERAGE REQUIRED UNDER THIS SECTION CONFLICTS WITH THE BONA FIDE
14 RELIGIOUS BELIEFS AND PRACTICES OF A RELIGIOUS ORGANIZATION, ON REQUEST
15 OF THE RELIGIOUS ORGANIZATION, AN ENTITY SUBJECT TO THIS SECTION SHALL
16 EXCLUDE THE COVERAGE OTHERWISE REQUIRED UNDER THIS SECTION IN A POLICY
17 OR CONTRACT WITH THE RELIGIOUS ORGANIZATION.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act applies to all
19 policies, contracts, and health benefit plans issued, delivered, or renewed in the State
20 on or after October 1, 2000.

21 SECTION 2: 3. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect October 1, 2000.