2000 Regular Session (0lr1687)

**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

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#### Health Insurance - Coverage for In Vitro Fertilization

3 FOR the purpose of prohibiting certain insurers, nonprofit health service plans, and

health maintenance organizations from excluding certain benefits for in vitro 4

5 fertilization under certain circumstances; providing that the requirement that

the patient and the patient's spouse have a history of infertility of a certain 6

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

certain extents; decreasing the duration of time for which certain individuals 10

must have a history of infertility in order to be eligible for certain in vitro 11

fertilization health insurance benefits; authorizing certain insurers, nonprofit 12

health service plans, and health maintenance organizations to limit coverage for 13 14

certain in vitro fertilization benefits; providing for an exclusion from certain

15 required coverage under certain circumstances; providing for the application of

this Act; and generally relating to coverage of benefits for in vitro fertilization. 16

#### **HOUSE BILL 350**

1	ΒY	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:

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1	~2
1	

#### <u> Article - Health - General</u>

14 <u>19-706.</u>

#### 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 PROVIDE21HOSPITAL, 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) <u>HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL,</u> 25 <u>MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS</u> 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 <del>(i)</del> 1. is delivered or issued for delivery in the State; or <del>2.</del> 30 covers individuals who reside and work in the State; and 31 (ii) is written on an expense incurred basis; 32 each group or blanket health insurance policy of an insurer that: (2)33 <del>(i)</del> 1. is issued or delivered in the State; or

3				HOUSE BILL 350			
1			2.	covers individuals who reside and work in the State; and			
2		<del>(ii)</del>	<del>is writter</del>	a on an expense incurred basis; and			
3 4	(3) each individual or group medical or major medical contract or certificate of a nonprofit health service plan that:						
5	•	<del>(i)</del>	is issued	or delivered in the State; or			
6	•	<del>(ii)</del>	<del>covers in</del>	dividuals who reside and work in the State.			
9 10 11							
13	(2)	The bene	efits unde	r this subsection shall be provided <u>PROVIDED</u> :			
		benefits		SURERS AND NONPROFIT HEALTH SERVICE PLANS, to for other pregnancy-related procedures			
17 18		( <u>II)</u> NEFITS J		ALTH MAINTENANCE ORGANIZATIONS, TO THE SAME ED FOR OTHER INFERTILITY SERVICES.			
19	(c) Subsection	on (b) of	this secti	on applies if:			
<ul> <li>(1) the patient is the policyholder, subscriber, or certificate holder,</li> <li>POLICYHOLDER OR SUBSCRIBER or a covered dependent of the policyholder,</li> <li>subscriber, or certificate holder POLICYHOLDER OR SUBSCRIBER;</li> </ul>							
23	(2) 1	the patie	nt's oocyt	es are fertilized with the patient's spouse's sperm;			
	24 (3) (i) the patient and the patient's spouse have a history of infertility 25 of at least $52$ years' duration; or						
26 27	conditions:	(ii)	the infer	tility is associated with any of the following medical			
28			1.	endometriosis;			
29 30	as DES; [or]		2.	exposure in utero to diethylstilbestrol, commonly known			
31 32	tubes (lateral or bilater	ral salpir		blockage of, or surgical removal of, one or both fallopian ); OR			
33 34	CONTRIBUTING TO			ABNORMAL MALE FACTORS, INCLUDING OLIGOSPERMIA, ITY;			

#### HOUSE BILL 350

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 <del>policy,</del> 3 <del>contract, or certificate</del> 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 THE13COVERAGE REQUIRED UNDER THIS SECTION CONFLICTS WITH THE BONA FIDE14RELIGIOUS BELIEFS AND PRACTICES OF A RELIGIOUS ORGANIZATION, ON REQUEST15OF THE RELIGIOUS ORGANIZATION, AN ENTITY SUBJECT TO THIS SECTION SHALL16EXCLUDE THE COVERAGE OTHERWISE REQUIRED UNDER THIS SECTION IN A POLICY17OR 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 <del>2.</del> <u>3.</u> AND BE IT FURTHER ENACTED, That this Act shall take 22 effect October 1, 2000.

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