
By: **Delegates Kagan, Gordon, Clagett, Rosso, Glassman, La Vay, Goldwater, Moe, Donoghue, Hubbard, R. Baker, Harrison, McHale, Brown, Love, Rzepkowski, Pitkin, and Cryor** ~~Cryor, and Barve~~

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Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 21, 2002

CHAPTER _____

1 AN ACT concerning

2 **Health Insurance - In Vitro Fertilization - Conditions for Provision of**
3 **Benefits**

4 FOR the purpose of providing an exception to the condition that the patient's oocytes
5 be fertilized with the patient's spouse's sperm to be eligible for certain benefits
6 for in vitro ~~fertilization~~; fertilization, unless the infertility is due to certain
7 causes; providing for the application of this Act; and generally relating to health
8 insurance benefits for in vitro fertilization.

9 BY repealing and reenacting, with amendments,
10 Article - Insurance
11 Section 15-810
12 Annotated Code of Maryland
13 (1997 Volume and 2001 Supplement)

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:

1 (1) insurers and nonprofit health service plans that provide hospital,
2 medical, or surgical benefits to individuals or groups on an expense-incurred basis
3 under health insurance policies that are issued or delivered in the State; and

4 (2) health maintenance organizations that provide hospital, medical, or
5 surgical benefits to individuals or groups under contracts that are issued or delivered
6 in the State.

7 (b) (1) An entity subject to this section that provides pregnancy-related
8 benefits may not exclude benefits for all outpatient expenses arising from in vitro
9 fertilization procedures performed on the policyholder or subscriber or dependent
10 spouse of the policyholder or subscriber.

11 (2) The benefits under this subsection shall be provided:

12 (i) for insurers and nonprofit health service plans, to the same
13 extent as the benefits provided for other pregnancy-related procedures; and

14 (ii) for health maintenance organizations, to the same extent as the
15 benefits provided for other infertility services.

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

17 (1) the patient is the policyholder or subscriber or a covered dependent of
18 the policyholder or subscriber;

19 (2) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, the
20 patient's oocytes are fertilized with the patient's spouse's sperm;

21 (3) (i) the patient and the patient's spouse have a history of infertility
22 of at least 2 years' duration; or

23 (ii) the infertility is associated with any of the following medical
24 conditions:

25 1. endometriosis;

26 2. exposure in utero to diethylstilbestrol, commonly known
27 as DES;

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

30 4. abnormal male factors, including oligospermia,
31 contributing to the infertility;

32 (4) the patient has been unable to attain a successful pregnancy through
33 a less costly infertility treatment for which coverage is available under the policy or
34 contract; and

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

5 (D) (1) FERTILIZATION OF THE PATIENT'S OOCYTES WITH THE PATIENT'S
6 SPOUSE'S SPERM IS NOT REQUIRED UNDER SUBSECTION (C)(2) OF THIS SECTION IF IT
7 IS IMPRACTICABLE BECAUSE OF THE PATIENT'S SPOUSE'S INFERTILITY.

8 (2) THE EXCEPTION UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES
9 NOT APPLY IF THE CAUSE OF THE PATIENT'S SPOUSE'S INFERTILITY IS ELECTIVE
10 STERILIZATION OR THE UNSUCCESSFUL REVERSAL OF ELECTIVE STERILIZATION.

11 [(d)] (E) An entity subject to this section may limit coverage of the benefits
12 required under this section to three in vitro fertilization attempts per live birth, not to
13 exceed a maximum lifetime benefit of \$100,000.

14 [(e)] (F) Notwithstanding any other provision of this section, if the coverage
15 required under this section conflicts with the bona fide religious beliefs and practices
16 of a religious organization, on request of the religious organization, an entity subject
17 to this section shall exclude the coverage otherwise required under this section in a
18 policy or contract with the religious organization.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
20 all policies, contracts, and health benefit plans issued, delivered, or renewed in the
21 State on or after October 1, 2002.

22 ~~SECTION 3.~~ SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect October 1, 2002.