

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 918  
Finance

(Senator Gladden)

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**Health Insurance - Mandated Benefits - In Vitro Fertilization - Coverage**

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This bill prohibits a health insurer, nonprofit health service plan, or HMO (carrier) from refusing to issue a policy that provides in vitro fertilization (IVF) benefits solely based on the fact that: (1) the applicant was tested for infertility; or (2) a test performed on the applicant resulted in a diagnosis of unexplained infertility or a similar diagnosis.

In addition, the bill changes eligibility for IVF benefits under an enrollee's contract from a dependent spouse to a spouse, thereby requiring a carrier to provide IVF benefits to an enrollee's spouse even if the spouse is not covered under the enrollee's contract.

The bill applies to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after June 1, 2005. The bill takes effect June 1, 2005.

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**Fiscal Summary**

**State Effect:** Minimal special fund revenue increase in FY 2006 only for the Maryland Insurance Administration (MIA) from the \$125 rate and form filing fee. Minimal general fund revenue increase from the State's 2% premium tax on for-profit carriers beginning in FY 2006, if premiums increase. Expenditures would not be affected.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Current Law:** A carrier that provides other pregnancy-related benefits may not exclude benefits for outpatient expenses arising from IVF procedures performed on an enrollee or a dependent spouse. In general, a carrier must provide IVF benefits if the patient and patient's spouse have a history of infertility of at least two years' duration, or the infertility is associated with specified medical conditions. A carrier may limit coverage for IVF benefits to three IVF attempts per live birth, not to exceed a maximum lifetime benefit of \$100,000.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** HB 1532 (Delegate Rosenberg) – Rules and Executive Nominations.

**Information Source(s):** Department of Health and Mental Hygiene (Medicaid), Maryland Insurance Administration, Department of Budget and Management (Employee Benefits Division), Department of Legislative Services

**Fiscal Note History:** First Reader - March 21, 2005  
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