

HOUSE BILL 385

C3, J1

9lr1671

By: **Delegates Kaiser, Bates, Bronrott, Carr, Frick, Gutierrez, Holmes, Reznik, Taylor, V. Turner, and Waldstreicher**
Introduced and read first time: February 2, 2009
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Insurance – In Vitro Fertilization Benefit – Definition of Successful**
3 **Pregnancy**

4 FOR the purpose of defining a “successful pregnancy” as a pregnancy that results in a
5 live birth for the purposes of determining the in vitro fertilization insurance
6 benefit; and generally relating to the in vitro fertilization insurance benefit.

7 BY repealing and reenacting, with amendments,
8 Article – Insurance
9 Section 15–810
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2008 Supplement)

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

14 **Article – Insurance**

15 15–810.

16 **(A) IN THIS SECTION, “SUCCESSFUL PREGNANCY” MEANS A PREGNANCY**
17 **THAT RESULTS IN A LIVE BIRTH.**

18 **[(a)] (B)** This section applies to:

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

22 1. endometriosis;

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

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

27 4. abnormal male factors, including oligospermia,
28 contributing to the infertility;

29 (4) the patient has been unable to attain a successful pregnancy
30 through a less costly infertility treatment for which coverage is available under the
31 policy or 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)] (E) An entity subject to this section may limit coverage of the benefits
6 required under this section to three in vitro fertilization attempts per live birth, not to
7 exceed a maximum lifetime benefit of \$100,000.

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2009.