

FILED MAR 15 1989

SENATE FILE 448
BY COMMITTEE ON
HUMAN RESOURCES

(SUCCESSOR TO SSB 247)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing a family building Act which relates to group
2 accident and sickness insurance, group nonprofit health
3 service plans, and prepaid group plans of health maintenance
4 organizations by mandating inclusion of infertility treatment
5 coverage under certain conditions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 448

1 Section 1. This Act shall be known as the "Family Building
2 Act".

3 Sec. 2. NEW SECTION. 514C.4 MANDATORY SUPPLEMENTAL
4 COVERAGE FOR INFERTILITY.

5 1. Any policy of group accident and sickness insurance
6 providing coverage on an expense-incurred basis issued
7 pursuant to chapter 509, any group hospital or medical service
8 contract issued pursuant to chapter 514, or any prepaid group
9 plan of a health maintenance organization provided pursuant to
10 chapter 514B, which provides pregnancy-related coverage for a
11 family member of the insured, subscriber, or enrollee, shall
12 also provide that the health benefits shall be payable, to the
13 same extent that benefits are provided for other pregnancy-
14 related procedures, for the diagnosis and treatment of medical
15 conditions relating to infertility and shall not exclude
16 benefits for all outpatient expenses arising from in vitro
17 fertilization procedures.

18 2. Benefits relating to infertility under this section
19 shall be provided to the insured, subscriber, or enrollee or
20 the spouse or other covered dependent of the insured,
21 subscriber, or enrollee.

22 3. A person providing coverage as specified in subsection
23 1, shall provide benefits for all nonexperimental infertility
24 procedures, including but not limited to all of the following:

- 25 a. Artificial insemination.
- 26 b. In vitro fertilization and embryo placement.
- 27 c. Gamete intra-fallopian transfer.
- 28 d. Sperm, egg, or inseminated egg procurement, processing,
29 and banking to the extent that such costs are not covered by
30 the donor's insurer.

31 4. A person providing coverage as specified in subsection
32 1 is not required to provide benefits for any of the
33 following:

- 34 a. An experimental infertility procedure, until the
35 procedure is recognized as nonexperimental by the American

1 fertility society or the American college of obstetrics and
2 gynecology, or another infertility expert recognized as such
3 by the commissioner of insurance.

4 b. Surrogacy.

5 c. Reversal of voluntary sterilization.

6 5. A person providing coverage as specified in subsection
7 i shall not do any of the following:

8 a. Impose deductibles, copayments, coinsurance, benefit
9 maximums, waiting periods, or any other limitations on
10 coverage for required infertility benefits which are different
11 from those imposed upon benefits for services not related to
12 infertility.

13 b. Impose preexisting condition exclusions or preexisting
14 condition waiting periods on coverage for required infertility
15 benefits. An insurer shall not use a prior diagnosis of or
16 prior treatment for infertility as a basis for excluding,
17 limiting, or otherwise restricting the availability of
18 coverage for required infertility benefits.

19 c. Impose exclusions, limitations, or other restrictions
20 on coverage for infertility-related drugs that are different
21 from those imposed on any prescription drugs.

22 6. As used in this section:

23 a. "Infertility" means the condition of a presumably
24 healthy individual who is unable to conceive or produce
25 conception during a period of one year.

26 b. "Experimental infertility procedure" means a procedure
27 not yet recognized as "nonexperimental".

28 c. "Nonexperimental infertility procedure" means a
29 procedure which is recognized as such by the American
30 fertility society or the American college of obstetrics and
31 gynecology, or another infertility expert recognized as an
32 expert by the commissioner of insurance; or a procedure which
33 is recognized as nonexperimental by rule of the insurance
34 commissioner following the filing of a petition with the
35 commissioner of insurance for the recognition of a procedure

1 as nonexperimental, and the completion of a public hearing
2 pursuant to chapter 17A.

3 7. A person providing coverage as specified in subsection
4 1 may establish eligibility requirements and contracting
5 standards, which are not based solely on arbitrary factors,
6 including but not limited to the number of attempts to
7 conceive or produce conception, or the costs of certain
8 procedures. The requirements and standards shall be
9 maintained in written form and shall be made available to the
10 commissioner of insurance or a person seeking infertility-
11 related coverage. Standards or guidelines developed by the
12 American fertility society or the American college of
13 obstetrics and gynecology may serve as a basis for the
14 eligibility or contracting requirements established.

15 8. This section applies to policies, contracts, or plans
16 delivered or issued for delivery after the effective date of
17 this Act, and to existing policies, contracts, or plans on
18 their next anniversary or renewal date, or upon expiration of
19 the applicable collective bargaining contract, if any,
20 whichever is later. This section does not apply to policy
21 holders, subscribers, or enrollees eligible for coverage under
22 Title XVIII of the federal Social Security Act or any other
23 similar coverage under a state or federal governmental plan.

24 EXPLANATION

25 This bill mandates the provision or inclusion of coverage
26 for infertility treatment by group accident and sickness
27 policies, group nonprofit health service plans, and health
28 maintenance organization prepaid group plans, when they would
29 otherwise provide coverage for pregnancy or childbirth. The
30 bill requires the provision of infertility-related insurance
31 for certain nonexperimental procedures and provides for the
32 addition of other covered procedures as they are recognized as
33 nonexperimental by certain experts, by rule of the
34 commissioner of insurance. The bill prohibits certain
35 limitations on coverage and allows an insurer to establish

1 certain eligibility requirements and contracting standards.

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HANNON, CH.
STURGEON
TINSMAN

SSB 247
HUMAN RESOURCES

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BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL)

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