

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1396 be amended to read as follows:

- 1 Delete everything after the enacting clause and insert the
2 following:
3 SECTION 1. IC 27-8-24.2 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 1998]:
6 **Chapter 24.2. Contraceptive Coverage**
7 **Sec. 1. As used in this chapter, "contraceptive" means any**
8 **prescription contraceptive drug, device, or service approved by the**
9 **United States Food and Drug Administration that is:**
10 (1) **intended to prevent pregnancy, including any medically**
11 **necessary or appropriate consultation, examination,**
12 **procedure, or medical service;**
13 (2) **provided on an outpatient basis; and**
14 (3) **related to the use of contraceptive methods to prevent an**
15 **unintended pregnancy.**
16 **The term does not include abortion (as defined in IC 16-18-2-1).**
17 **Sec. 2. As used in this chapter, "covered person" means an**
18 **individual policyholder, a subscriber, a certificate holder, an**
19 **enrollee, or other individual who is covered by the insurance policy**
20 **of a policyholder, a subscriber, a certificate holder, or an enrollee.**
21 **Sec. 3. (a) As used in this chapter, "insurance policy" means a:**
22 (1) **policy of accident and sickness insurance regulated under**
23 **IC 27-8-5;**
24 (2) **health maintenance organization regulated under**

- 1 **IC 27-13;**
 2 **(3) preferred provider plan (as defined in IC 27-8-11-1); or**
 3 **(4) comprehensive health insurance policy issued under**
 4 **IC 27-8-10;**

5 **that provides coverage under an individual or group policy or plan**
 6 **issued for delivery in Indiana.**

7 **(b) The term does not include:**

- 8 **(1) an employee benefit program subject to the federal**
 9 **Employee Retirement Income Security Act (29 U.S.C. 1001,**
 10 **et seq.); or**
 11 **(2) worker's compensation coverage for an injury to, or**
 12 **occupational disease of, an employee under IC 22-3.**

13 **Sec. 4. As used in this chapter, "prescription drug" means any**
 14 **article or substance regulated under IC 16-42-19.**

15 **Sec. 5. An insurance policy that provides coverage for**
 16 **outpatient prescription drugs may not exclude or restrict benefits**
 17 **for prescription contraceptive drugs or devices approved by the**
 18 **United States Food and Drug Administration to any covered**
 19 **person.**

20 **Sec. 6. An insurance policy that provides coverage for**
 21 **outpatient services provided by a health care professional may not**
 22 **exclude or restrict benefits for outpatient contraceptive services**
 23 **provided by a health care professional to any covered person.**

24 **Sec. 7. The coverage required under this chapter may not be**
 25 **subject to dollar limits, deductibles, copayments, or coinsurance**
 26 **provisions that are less favorable to covered persons than the**
 27 **dollar limits, deductibles, copayments, or coinsurance provisions**
 28 **applying to physical illness generally under the insurance policy.**

29 **Sec. 8. A covered person may not be required to pay a**
 30 **deductible, coinsurance, or a copayment for contraceptive drugs,**
 31 **devices, or services that is greater than a deductible, coinsurance,**
 32 **or a copayment established for other prescription drugs, devices,**
 33 **or services under the insurance policy.**

34 **Sec. 9. A covered person who receives or is eligible to receive**
 35 **contraceptive drugs, devices, or services under this chapter may**
 36 **not be required to pay a deductible, coinsurance, a copayment, or**
 37 **a fee that is greater than a deductible, coinsurance, a copayment,**
 38 **or a fee established for individuals of the same benefit category or**
 39 **class, or coinsurance or copayment level, receiving benefits for**
 40 **other prescription drugs, devices, or services.**

41 **Sec. 10. If a covered person's health care provider determines**
 42 **that contraceptive methods specifically covered under an insurance**
 43 **policy are not medically appropriate for the covered person, the**
 44 **insurance policy must provide coverage for another medically**
 45 **approved prescriptive contraceptive method prescribed by the**
 46 **covered person's health care provider.**

1 SECTION 2. IC 27-8-27 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 1998]:

4 **Chapter 27. Group Policy Coverage for Infertility Treatment**

5 **Sec. 1. (a) As used in this chapter, "policy of accident and**
 6 **sickness insurance" means a policy or contract that:**

7 (1) provides at least one (1) of the kinds of insurance
 8 described in Class 1(b) or 2(a) of IC 27-1-5-1; and

9 (2) is written on a group basis.

10 **(b) The term does not include the following:**

11 (1) Accident only, credit, dental, vision, Medicare
 12 supplement, long term care, or disability income insurance.

13 (2) Coverage issued as a supplement to liability insurance.

14 (3) Automobile medical payment insurance.

15 (4) A specified disease policy.

16 (5) A limited benefit health insurance policy.

17 (6) A short term insurance plan that:

18 (A) may not be renewed; and

19 (B) has a duration of not more than six (6) months.

20 (7) A policy that provides a stipulated daily, weekly, or
 21 monthly payment to an insured during hospital confinement,
 22 without regard to the actual expense of the confinement.

23 (8) Worker's compensation or similar insurance.

24 (9) A student health insurance policy.

25 **Sec. 2. (a) Except as provided in subsection (b), a policy of**
 26 **accident and sickness insurance that provides pregnancy related**
 27 **benefits may not be issued, delivered, amended, or renewed in**
 28 **Indiana unless it provides coverage for the diagnosis and treatment**
 29 **of infertility.**

30 **(b) This chapter does not require coverage for the diagnosis**
 31 **and treatment of infertility in a policy of accident and sickness**
 32 **insurance that is issued to:**

33 (1) a religious institution or organization; or

34 (2) an entity sponsored by a religious institution or
 35 organization;

36 **that finds the procedures in section 3 of this chapter incompatible**
 37 **with its religious and moral teachings and beliefs.**

38 **Sec. 3. Subject to section 4 of this chapter, the coverage for the**
 39 **diagnosis and treatment of infertility that must be provided by a**
 40 **policy of accident and sickness insurance under this chapter**
 41 **includes the following procedures:**

42 (1) In vitro fertilization.

43 (2) Uterine embryo lavage.

44 (3) Embryo transfer.

45 (4) Artificial insemination.

46 (5) Gamete intrafallopian tube transfer.

1 **(6) Zygote intrafallopian tube transfer.**

2 **(7) Low tubal ovum transfer.**

3 **Sec. 4. (a) An insurer is required under this chapter to cover**
 4 **procedures for in vitro fertilization, gamete intrafallopian tube**
 5 **transfer, or zygote intrafallopian tube transfer for an insured**
 6 **individual only if:**

7 **(1) the individual has not been able to attain or sustain a**
 8 **successful pregnancy through reasonable, less costly,**
 9 **medically appropriate infertility treatments for which**
 10 **coverage is available under the policy;**

11 **(2) the individual has undergone not more than three (3)**
 12 **oocyte retrievals, except as provided in subsection (b); and**

13 **(3) the procedures for in vitro fertilization, gamete**
 14 **intrafallopian tube transfer, or zygote intrafallopian tube**
 15 **transfer are performed at medical facilities that conform to**
 16 **the:**

17 **(A) guidelines of the American College of Obstetricians**
 18 **and Gynecologists for in vitro fertilization clinics; or**

19 **(B) minimal standards of the American Fertility Society**
 20 **for programs of in vitro fertilization.**

21 **(b) Subsection (a)(2) does not relieve an insurer of the**
 22 **obligation to cover an individual who has undergone at least four**
 23 **(4) oocyte retrievals if the individual, since giving birth to a living**
 24 **child, has had less than two (2) oocyte retrievals.**

25 **SECTION 3. IC 27-13-7-15 IS ADDED TO THE INDIANA**
 26 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 27 **[EFFECTIVE JULY 1, 1998]: Sec. 15. (a) Except as provided in**
 28 **subsection (b), a group contract that provides pregnancy related**
 29 **benefits may not be entered into, delivered, amended, or renewed**
 30 **in Indiana unless it provides coverage for the diagnosis and**
 31 **treatment of infertility.**

32 **(b) This chapter does not require coverage for the diagnosis**
 33 **and treatment of infertility in a group contract that is entered into**
 34 **with:**

35 **(1) a religious institution or organization; or**

36 **(2) an entity sponsored by a religious institution or**
 37 **organization;**

38 **that finds the procedures in subsection (c) incompatible with its**
 39 **religious and moral teachings and beliefs.**

40 **(c) Subject to subsection (d), the coverage for the diagnosis and**
 41 **treatment of infertility that must be provided by a group contract**
 42 **under this section includes the following procedures as in-plan**
 43 **covered services or out-of-plan covered services:**

44 **(1) In vitro fertilization.**

45 **(2) Uterine embryo lavage.**

46 **(3) Embryo transfer.**

- 1 **(4) Artificial insemination.**
 2 **(5) Gamete intrafallopian tube transfer.**
 3 **(6) Zygote intrafallopian tube transfer.**
 4 **(7) Low tubal ovum transfer.**
 5 **(d) A health maintenance organization is required under this**
 6 **section to cover procedures for in vitro fertilization, gamete**
 7 **intrafallopian tube transfer, or zygote intrafallopian tube transfer**
 8 **for an enrollee only if:**
 9 **(1) the enrollee has not been able to attain or sustain a**
 10 **successful pregnancy through reasonable, less costly,**
 11 **medically appropriate infertility treatments that are in-plan**
 12 **covered services available under the group contract;**
 13 **(2) the enrollee has undergone not more than three (3) oocyte**
 14 **retrievals, except as provided in subsection (e); and**
 15 **(3) the procedures for in vitro fertilization, gamete**
 16 **intrafallopian tube transfer, or zygote intrafallopian tube**
 17 **transfer are performed at medical facilities that conform to**
 18 **the:**
 19 **(A) guidelines of the American College of Obstetricians**
 20 **and Gynecologists for in vitro fertilization; or**
 21 **(B) minimal standards of the American Fertility Society**
 22 **for programs of in vitro fertilization.**
 23 **(e) Subsection (d)(2) does not relieve a health maintenance**
 24 **organization of the obligation to cover an individual who has**
 25 **undergone at least four (4) oocyte retrievals if the individual, since**
 26 **giving birth to a living child, has had less than two (2) oocyte**
 27 **retrievals.**
 28 **SECTION 4. [EFFECTIVE JULY 1, 1998] (a) As used in this**
 29 **SECTION, "insurance policy" means a:**
 30 **(1) policy of accident and sickness insurance regulated under**
 31 **IC 27-8-5;**
 32 **(2) health maintenance organization regulated under**
 33 **IC 27-13;**
 34 **(3) preferred provider plan (as defined in IC 27-8-11-1); or**
 35 **(4) comprehensive health insurance policy issued under**
 36 **IC 27-8-10;**
 37 **that provides coverage under an individual or group policy or plan**
 38 **issued for delivery in Indiana.**
 39 **(b) The term does not include:**
 40 **(1) an employee benefit program subject to the federal**
 41 **Employee Retirement Income Security Act (29 U.S.C. 1001,**
 42 **et seq.); or**
 43 **(2) worker's compensation coverage for an injury to, or**
 44 **occupational disease of, an employee under IC 22-3.**
 45 **(c) IC 27-8-24.2, as added by this act, applies to insurance**
 46 **policies issued, delivered, executed, or renewed after June 30, 1998.**

(Reference is to HB 1396 as printed January 29, 1998.)

Representative Fry