
A BILL FOR AN ACT

RELATING TO INFERTILITY PROCEDURES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 432, article 2, Hawaii Revised
2 Statutes, is amended by adding a new section to be appropriately
3 designated and to read as follows:

4 "§432:2- Infertility procedure coverage. (a) All
5 individual and group hospital and medical service plan contracts
6 which provide pregnancy-related benefits shall include coverage
7 for infertility treatment procedures performed on a member or a
8 member's covered dependent; provided that:

9 (1) Benefits under this section shall be provided to the
10 same extent as the benefits provided for other
11 pregnancy-related services;

12 (2) The patient has been unable to attain a successful
13 pregnancy through other applicable infertility
14 treatments for which coverage is available under the
15 benefit contract; and

16 (3) The procedures are performed at medical facilities
17 that conform to the American Congress of Obstetricians



1 and Gynecologists guidelines or to the American
2 Society for Reproductive Medicine minimal standards.

3 (b) Services provided pursuant to this section shall
4 include diagnosis and diagnostic tests, medications, surgery, in
5 vitro fertilization, embryo transfer, intrauterine insemination,
6 gamete intrafallopian transfer, zygote intrafallopian transfer,
7 intracytoplasmic sperm injection, and no fewer than four
8 completed fresh cycles per lifetime; provided that the
9 implantation of a frozen embryo created during a prior cycle
10 shall not be counted as its own completed fresh cycle against
11 the four-cycle minimum. Notwithstanding any other requirement
12 of this subsection or any other law to the contrary, an insurer
13 may limit coverage for in vitro fertilization, gamete
14 intrafallopian transfer, and zygote intrafallopian transfer to
15 women who are forty-five years old or younger.

16 (c) For purposes of this section:

17 "Completed fresh cycle" means egg retrieval, fertilization,
18 and fresh embryo transfer; provided that transfer of a frozen
19 embryo created during a prior cycle shall not be a completed
20 fresh cycle.

21 "Infertility" means a condition whereby a person is unable
22 to conceive or to produce conception during a period of one year



1 for a woman aged thirty-five years or younger or a period of six
2 months for a woman over age thirty-five; provided that the
3 length of time of a pregnancy that is not carried to term shall
4 be included in the time period required pursuant to this
5 section."

6 SECTION 2. Section 431:10A-116.5, Hawaii Revised Statutes,
7 is amended to read as follows:

8 "§431:10A-116.5 [~~In vitro fertilization~~] Infertility
9 procedure coverage. (a) All individual and group accident and
10 health or sickness insurance policies which provide pregnancy-
11 related benefits shall include [~~in addition to any other~~
12 ~~benefits for treating infertility, a one-time only benefit for~~
13 ~~all outpatient expenses arising from~~] coverage for [~~in vitro~~
14 ~~fertilization~~] infertility treatment procedures performed on the
15 insured or the insured's covered dependent [~~spouse~~]; provided
16 that:

17 (1) Benefits under this section shall be provided to the
18 same extent as the benefits provided for other
19 pregnancy-related [~~benefits,~~] services;

20 [~~(2) The patient is the insured or covered dependent of the~~
21 ~~insured,~~



- 1 ~~(3)~~ The patient's oocytes are fertilized with the
2 patient's spouse's sperm;
- 3 ~~(4)~~ The:
- 4 ~~(A)~~ Patient and the patient's spouse have a history
5 of infertility of at least five years' duration;
6 or
- 7 ~~(B)~~ Infertility is associated with one or more of the
8 following medical conditions:
- 9 ~~(i)~~ Endometriosis;
- 10 ~~(ii)~~ Exposure in utero to diethylstilbestrol,
11 commonly known as DES;
- 12 ~~(iii)~~ Blockage of, or surgical removal of, one or
13 both fallopian tubes (lateral or bilateral
14 salpingectomy); or
- 15 ~~(iv)~~ Abnormal male factors contributing to the
16 infertility;
- 17 ~~(5)~~ (2) The patient has been unable to attain a
18 successful pregnancy through other applicable
19 infertility treatments for which coverage is available
20 under the insurance contract; [and
- 21 ~~(6)~~ (3) The [in vitro fertilization] procedures are
22 performed at medical facilities that conform to the



1 American [~~College~~] Congress of [~~Obstetric and~~
2 ~~Gynecology~~] Obstetricians and Gynecologists guidelines
3 [~~for in vitro fertilization clinics~~] or to the
4 American Society for Reproductive Medicine minimal
5 standards [~~for programs of in vitro fertilization~~].

6 (b) [~~For the purposes of this section, the term "spouse"~~
7 ~~means a person who is lawfully married to the patient under the~~
8 ~~laws of the State~~

9 (~~e~~) ~~The requirements of this section shall apply to all~~
10 ~~new policies delivered or issued for delivery in this State~~
11 ~~after June 26, 1987.]~~

12 Services provided pursuant to this section shall include
13 diagnosis and diagnostic tests, medications, surgery, in vitro
14 fertilization, embryo transfer, intrauterine insemination,
15 gamete intrafallopian transfer, zygote intrafallopian transfer,
16 intracytoplasmic sperm injection, and no fewer than four
17 completed fresh cycles per lifetime; provided that the
18 implantation of a frozen embryo created during a prior cycle
19 shall not be counted as its own completed fresh cycle against
20 the four-cycle minimum. Notwithstanding any other requirement
21 of this subsection or any other law to the contrary, an insurer
22 may limit coverage for in vitro fertilization, gamete



1 intrafallopian transfer, and zygote intrafallopian transfer to
2 women who are forty-five years old or younger.

3 (c) For purposes of this section:

4 "Completed fresh cycle" means egg retrieval, fertilization,
5 and fresh embryo transfer; provided that transfer of a frozen
6 embryo created during a prior cycle shall not be a completed
7 fresh cycle.

8 "Infertility" means a condition whereby a person is unable
9 to conceive or to produce conception during a period of one year
10 for a woman aged thirty-five years or younger or a period of six
11 months for a woman over age thirty-five; provided that the
12 length of time of a pregnancy that is not carried to term shall
13 be included in the time period required pursuant to this
14 section."

15 SECTION 3. Section 432:1-604, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "~~§432:1-604 [In vitro fertilization]~~ Infertility procedure
18 coverage. (a) All individual and group hospital or medical
19 service plan contracts which provide pregnancy-related benefits
20 shall include [~~in addition to any other benefits for treating~~
21 ~~infertility, a one-time only benefit for all outpatient expenses~~
22 ~~arising from in vitro fertilization]~~ coverage for infertility



1 treatment procedures performed on the subscriber or member or
2 the subscriber's or member's covered dependent [spouse];
3 provided that:

4 (1) Benefits under this section shall be provided to the
5 same extent as the benefits provided for other
6 pregnancy-related [~~benefits,~~] services;

7 [~~(2) The patient is a subscriber or member or covered~~
8 ~~dependent of the subscriber or member,~~

9 ~~(3) The patient's oocytes are fertilized with the~~
10 ~~patient's spouse's sperm,~~

11 ~~(4) The:~~

12 ~~(A) Patient and the patient's spouse have a history~~
13 ~~of infertility of at least five years' duration;~~
14 ~~or~~

15 ~~(B) Infertility is associated with one or more of the~~
16 ~~following medical conditions:~~

17 ~~(i) Endometriosis;~~

18 ~~(ii) Exposure in utero to diethylstilbestrol,~~
19 ~~commonly known as DES;~~

20 ~~(iii) Blockage of, or surgical removal of, one or~~
21 ~~both fallopian tubes (lateral or bilateral~~
22 ~~salpingectomy); or~~



1 intracytoplasmic sperm injection, and no fewer than four
2 completed fresh cycles per lifetime; provided that the
3 implantation of a frozen embryo created during a prior cycle
4 shall not be counted as its own completed fresh cycle against
5 the four-cycle minimum. Notwithstanding any other requirement
6 of this subsection or any other law to the contrary, an insurer
7 may limit coverage for in vitro fertilization, gamete
8 intrafallopian transfer, and zygote intrafallopian transfer to
9 women who are forty-five years old or younger.

10 (c) For purposes of this section:

11 "Completed fresh cycle" means egg retrieval, fertilization,
12 and fresh embryo transfer; provided that transfer of a frozen
13 embryo created during a prior cycle shall not be a completed
14 fresh cycle.

15 "Infertility" means a condition whereby a person is unable
16 to conceive or to produce conception during a period of one year
17 for a woman aged thirty-five years or younger or a period of six
18 months for a woman over age thirty-five; provided that the
19 length of time that a pregnancy that is not carried to term
20 shall be included in the time period required pursuant to this
21 section."



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2011;
4 provided that this Act shall apply to all policies of insurance
5 issued or renewed on or after July 1, 2011, under plans,
6 contracts, or agreements providing pregnancy-related benefits,
7 as described in sections 431:10A-116.5, 432:1-604, and
8 432:2- , Hawaii Revised Statutes, and encompassed under
9 section 432D-23, Hawaii Revised Statutes.

10

INTRODUCED BY:

Tom Brun

JAN 24 2011



Report Title:

Health Insurance; Infertility Treatments

Description:

Amends requirements for coverage of infertility treatments to include procedures other than in vitro fertilization; removes requirement that recipients of infertility treatment be married.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

