

JAN 23 2015

A BILL FOR AN ACT

RELATING TO IN VITRO FERTILIZATION INSURANCE COVERAGE.

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

1 SECTION 1. The legislature finds that infertility is a
2 disease of the reproductive system that impairs and
3 substantially limits an individual's major life activity of
4 reproduction. In the United States, infertility affects
5 approximately seven million women and their partners, and
6 approximately 12 per cent of women of childbearing age have used
7 an infertility service. Since 1978, in vitro fertilization has
8 provided a necessary solution for many diagnosed with
9 infertility who desire to have a child and be a parent.

10 The legislature further finds that since 1987, Hawaii has
11 required insurance coverage for the treatment of infertility
12 through in vitro fertilization. The current law only provides
13 for a one-time benefit; applies only to the insured or insured's
14 spouse; requires fertilization with the sperm from the patient's
15 spouse; requires a history of infertility for at least five
16 years; requires previous attempts at pregnancy through other
17 applicable infertility treatments for which coverage is



1 available; and applies only to a limited number of medical
2 conditions associated with infertility.

3 The purpose of this Act is to provide in vitro
4 fertilization insurance coverage equality for women who are
5 diagnosed with infertility by requiring non-discriminatory
6 coverage and ensuring quality of care in the diagnosis and
7 treatment of infertility.

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

10 **"§431:10A-116.5 In vitro fertilization procedure coverage.**

11 (a) All individual and group accident and health or sickness
12 insurance policies which provide pregnancy-related benefits
13 shall include in addition to any other benefits for treating
14 infertility, a one-time only benefit for all outpatient expenses
15 arising from in vitro fertilization procedures performed on the
16 insured or the insured's dependent [~~spouse~~]; provided 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;

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)]~~ (3) The:

4 (A) Patient ~~[and the patient's spouse have]~~ has a
5 history of infertility of at least ~~[five years'~~
6 ~~duration]~~ twelve months if thirty-five years or
7 younger or at least six months if over thirty-
8 five years; or

9 (B) Infertility is associated with one or more of the
10 following medical conditions:

11 (i) Endometriosis;

12 (ii) Exposure in utero to diethylstilbestrol,
13 commonly known as DES;

14 (iii) Blockage of, or surgical removal of, one or
15 both fallopian tubes (lateral or bilateral
16 salpingectomy); or

17 (iv) Abnormal male factors contributing to the
18 infertility;

19 ~~(5)]~~ (4) The patient has been unable to attain a
20 successful pregnancy through other applicable
21 infertility treatments for which coverage ~~[is]~~ shall



1 be available under the insurance contract[+], unless
2 the individual's physician determines that those
3 treatments are likely to be unsuccessful; and

4 [+6+] (5) The in vitro fertilization procedures are
5 performed at medical facilities that conform to the
6 American College of Obstetricians and Gynecologists
7 guidelines for in vitro fertilization clinics or to
8 the American Society for Reproductive Medicine minimal
9 standards for programs of in vitro fertilization.

10 (b) For the purposes of this section, the term ["spouse"
11 ~~means a person who is lawfully married to the patient under the~~
12 ~~laws of the State.]~~ "infertility" means a disease, defined by
13 the failure to achieve a successful pregnancy after at least
14 twelve months of appropriate, timed unprotected intercourse or
15 therapeutic donor insemination for women thirty-five years or
16 younger or at least six months for women over thirty-five years.

17 (c) The requirements of this section shall apply to all
18 new policies delivered or issued for delivery in this State
19 after June 26, 1987."

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



1 **"§432:1-604 In vitro fertilization procedure coverage.**

2 (a) All individual and group hospital or medical service plan
3 contracts which provide pregnancy-related benefits shall include
4 in addition to any other benefits for treating infertility, a
5 one-time only benefit for all outpatient expenses arising from
6 in vitro fertilization procedures performed on the subscriber or
7 member or the subscriber's or member's dependent [spouse];
8 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 benefits;

12 (2) The patient is a subscriber or member or covered
13 dependent of the subscriber or member;

14 ~~+(3) The patient's oocytes are fertilized with the~~
15 ~~patient's spouse's sperm;~~

16 ~~+(4)]~~ (3) The:

17 (A) Patient ~~[and the patient's spouse have]~~ has a
18 history of infertility of at least ~~[five years'~~
19 ~~duration,]~~ twelve months if thirty-five years or
20 younger or at least six months if over thirty-
21 five years; or



1 (B) Infertility is associated with one or more of the
2 following medical conditions:

- 3 (i) Endometriosis;
- 4 (ii) Exposure in utero to diethylstilbestrol,
5 commonly known as DES;
- 6 (iii) Blockage of, or surgical removal of, one or
7 both fallopian tubes (lateral or bilateral
8 salpingectomy); or
- 9 (iv) Abnormal male factors contributing to the
10 infertility;

11 ~~[(5)]~~ (4) The patient has been unable to attain a
12 successful pregnancy through other applicable
13 infertility treatments for which coverage ~~[is]~~ shall
14 be available under the contract~~+~~, unless the
15 individual's physician determines that the treatments
16 are likely to be unsuccessful; and

17 ~~[(6)]~~ (5) The in vitro fertilization procedures are
18 performed at medical facilities that conform to the
19 American College of Obstetricians and Gynecologists
20 guidelines for in vitro fertilization clinics or to





1 the American Society for Reproductive Medicine minimal
2 standards for programs of in vitro fertilization.

3 (b) For the purposes of this section, the term [~~"spouse"~~
4 ~~means a person who is lawfully married to the patient under the~~
5 ~~laws of the State.~~] "infertility" means a disease, defined by
6 the failure to achieve a successful pregnancy after at least
7 twelve months of appropriate, timed unprotected intercourse or
8 therapeutic donor insemination for women thirty-five years or
9 younger or at least six months for women over thirty-five years.

10 (c) The requirements of this section shall apply to all
11 hospital or medical service plan contracts delivered or issued
12 for delivery in this State after June 26, 1987."

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2015.

16
INTRODUCED BY: 


S.B. NO. 768

Report Title:

In Vitro Fertilization Procedure Coverage; Infertility
Disability

Description:

Provides insurance coverage equality for women who are diagnosed with infertility by making available to them expanded treatment options, ensuring adequate and affordable health care services.

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