



House of Representatives

General Assembly

File No. 157

February Session, 2004

Substitute House Bill No. 5206

House of Representatives, March 22, 2004

The Committee on Insurance and Real Estate reported through REP. OREFICE of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REQUIRING HEALTH INSURANCE COVERAGE FOR INFERTILITY TREATMENT AND PROCEDURES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2004*) (a) Each individual
2 health insurance policy providing coverage of the type specified in
3 subdivisions (1), (2), (4), (11) and (12) of section 38a-469 of the general
4 statutes delivered, issued for delivery, amended, renewed or
5 continued in this state on or after October 1, 2004, that is provided by
6 an employer for its employees shall provide coverage for the medically
7 necessary expenses of the diagnosis and treatment of infertility. For
8 purposes of this section, "infertility" means the condition of a
9 presumably healthy individual who is unable to conceive or produce
10 conception, or retain a pregnancy during a one-year period.

11 (b) (1) Notwithstanding any other provision of this section, any
12 insurance company, hospital or medical service corporation, or health
13 care center may issue to a religious employer an individual health

14 insurance policy that excludes coverage for methods of diagnosis and
15 treatment of infertility which are contrary to the religious employer's
16 bona fide religious tenets.

17 (2) Notwithstanding any other provision of this section, upon the
18 written request of an individual who states in writing that methods of
19 diagnosis and treatment of infertility are contrary to such individual's
20 religious or moral beliefs, any insurance company, hospital or medical
21 service corporation, or health care center may issue to or on behalf of
22 the individual a policy or rider thereto that excludes coverage for such
23 methods.

24 (c) Any health insurance policy issued pursuant to subsection (b) of
25 this section shall provide written notice to each insured or prospective
26 insured that methods of diagnosis and treatment of infertility are
27 excluded from coverage pursuant to said subsection. Such notice shall
28 appear, in not less than ten-point type, in the policy, application and
29 sales brochure for such policy.

30 (d) As used in this section, "religious employer" means an employer
31 that is a "qualified church-controlled organization", as defined in 26
32 USC 3121 or a church-affiliated organization.

33 Sec. 2. Section 38a-536 of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective October 1, 2004*):

35 [Any insurance company, hospital service corporation or medical
36 service corporation authorized to do the business of health insurance
37 in this state shall offer to any individual, partnership, corporation or
38 unincorporated association providing group hospital or medical
39 insurance coverage for its employees a group hospital or medical
40 service plan or contract providing coverage for the medically necessary
41 expenses of the diagnosis and treatment of infertility, including in-
42 vitro fertilization procedures.]

43 (a) Each group health insurance policy providing coverage of the
44 type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-

45 469 delivered, issued for delivery, amended, renewed or continued in
 46 this state on or after October 1, 2004, that is provided by an employer
 47 for its employees shall provide coverage for the medically necessary
 48 expenses of the diagnosis and treatment of infertility. For purposes of
 49 this section, "infertility" means the condition of a presumably healthy
 50 individual who is unable to conceive or produce conception, or retain a
 51 pregnancy during a one-year period.

52 (b) (1) Notwithstanding any other provision of this section, any
 53 insurance company, hospital or medical service corporation, or health
 54 care center may issue to a religious employer a group health insurance
 55 policy that excludes coverage for methods of diagnosis and treatment
 56 of infertility which are contrary to the religious employer's bona fide
 57 religious tenets.

58 (2) Notwithstanding any other provision of this section, upon the
 59 written request of an individual who states in writing that methods of
 60 diagnosis and treatment of infertility are contrary to such individual's
 61 religious or moral beliefs, any insurance company, hospital or medical
 62 service corporation, or health care center may issue to or on behalf of
 63 the individual a policy or rider thereto that excludes coverage for such
 64 methods.

65 (c) Any health insurance policy issued pursuant to subsection (b) of
 66 this section shall provide written notice to each insured or prospective
 67 insured that methods of diagnosis and treatment of infertility are
 68 excluded from coverage pursuant to said subsection. Such notice shall
 69 appear, in not less than ten-point type, in the policy, application and
 70 sales brochure for such policy.

71 (d) As used in this section, "religious employer" means an employer
 72 that is a "qualified church-controlled organization", as defined in 26
 73 USC 3121 or a church-affiliated organization.

This act shall take effect as follows:	
Section 1	October 1, 2004

Sec. 2	October 1, 2004
--------	-----------------

Statement of Legislative Commissioners:

Sections were reorganized and rewritten for accuracy of reference and consistency with the general statutes.

INS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
State Comptroller - Fringe Benefits	Various - Cost	None	See Below
Insurance Dept.	IF - None	None	None

Note: IF=Insurance Fund

Municipal Impact:

Municipalities	Effect	FY 05 \$	FY 06 \$
Various Municipalities	STATE MANDATE - Cost	Indeterminate	Indeterminate

Explanation

The coverage for infertility treatment and procedures provided under the bill is much more extensive than the limited coverage currently provided under the state employee health plans. The Office of the Comptroller has indicated that the cost to provide the additional benefits may range from \$1.0 million to \$1.6 million, annually. The FY 04 estimated expenditure for state employee and retiree health plan is approximately \$640 million, General Fund. It is anticipated that this cost would be incurred in FY 06 when the state is expected to enter into new health insurance contracts.

The bill's impact on municipal health insurance costs will vary by municipality depending on current coverage. To the extent that infertility treatment and procedures provided under the bill are not covered under a municipality's employee health insurance policy, there would be increased municipal costs to provide them.

OLR Bill Analysis

sHB 5206

AN ACT REQUIRING HEALTH INSURANCE COVERAGE FOR INFERTILITY TREATMENT AND PROCEDURES**SUMMARY:**

This bill requires certain individual and group health insurance policies to cover medically necessary infertility diagnosis and treatment expenses. Under current law, insurers, hospital service corporations, and medical service corporations must offer such coverage to group plans. By law, "infertility" is the condition of a presumably healthy individual who is unable to conceive, produce conception, or retain a pregnancy during a one-year period.

The bill permits health insurance policies to exclude the infertility coverage at the request of a "religious employer" or individual whose religious beliefs and tenets are against it.

The bill applies to individual and group health insurance policies delivered, issued for delivery, amended, renewed, or continued in this state after September 30, 2004 that are provided by an employer for its employees and cover (1) basic hospital expenses, (2) basic medical-surgical expenses, (3) major medical expenses, or (4) hospital or medical services. However, employers do not typically provide individual policies to their employees.

EFFECTIVE DATE: October 1, 2004

EXCLUSION OF INFERTILITY COVERAGE***Religious Employer***

The bill specifies that a "religious employer" is a qualified church-controlled organization as defined under the federal Internal Revenue Code or a church-affiliated organization. Policies sponsored by religious employers that exclude coverage for infertility diagnosis and treatment must give each insured or prospective insured written notice in the policy, application, and sales brochure that such coverage is excluded. The notice must be in at least 10-point type.

Religious or Moral Beliefs

The bill allows insurers, hospital or medical service companies, and health care centers, including HMOs, to issue policies or riders that exclude coverage for infertility diagnosis and treatment on the written request of any individual that states the coverage is contrary to his religious or moral beliefs.

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 9 Nay 8