



General Assembly

January Session, 2009

Committee Bill No. 292

LCO No. 3626

03626SB00292INS

Referred to Committee on Insurance and Real Estate

Introduced by:
(INS)

AN ACT CONCERNING HEALTH INSURANCE COVERAGE FOR CERTAIN ACUPUNCTURE TREATMENTS.

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

1 Section 1. Section 38a-509 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2010*):

3 (a) Subject to the limitations set forth in subsection (b) of this section
4 and except as provided in subsection (c) of this section, each individual
5 health insurance policy providing coverage of the type specified in
6 subdivisions (1), (2), (4), (11) and (12) of section 38a-469 delivered,
7 issued for delivery, amended, renewed or continued in this state on or
8 after October 1, 2005, shall provide coverage for the medically
9 necessary expenses of the diagnosis and treatment of infertility,
10 including, but not limited to, ovulation induction, intrauterine
11 insemination, in-vitro fertilization, acupuncture treatment by an
12 acupuncturist licensed pursuant to section 20-206bb that is in
13 conjunction with in-vitro fertilization, uterine embryo lavage, embryo
14 transfer, gamete intra-fallopian transfer, zygote intra-fallopian transfer
15 and low tubal ovum transfer. For purposes of this section, "infertility"
16 means the condition of a presumably healthy individual who is unable

17 to conceive or produce conception or sustain a successful pregnancy
18 during a one-year period.

19 (b) Such policy may:

20 (1) Limit such coverage to an individual until the date of such
21 individual's fortieth birthday;

22 (2) Limit such coverage for ovulation induction to a lifetime
23 maximum benefit of four cycles;

24 (3) Limit such coverage for intrauterine insemination to a lifetime
25 maximum benefit of three cycles;

26 (4) Limit lifetime benefits to a maximum of two cycles, with not
27 more than two embryo implantations per cycle, for in-vitro
28 fertilization, gamete intra-fallopian transfer, zygote intra-fallopian
29 transfer or low tubal ovum transfer, provided each such fertilization or
30 transfer shall be credited toward such maximum as one cycle;

31 (5) Limit coverage for in-vitro fertilization, gamete intra-fallopian
32 transfer, zygote intra-fallopian transfer and low tubal ovum transfer to
33 those individuals who have been unable to conceive or produce
34 conception or sustain a successful pregnancy through less expensive
35 and medically viable infertility treatment or procedures covered under
36 such policy. Nothing in this subdivision shall be construed to deny the
37 coverage required by this section to any individual who foregoes a
38 particular infertility treatment or procedure if the individual's
39 physician determines that such treatment or procedure is likely to be
40 unsuccessful;

41 (6) Require that covered infertility treatment or procedures be
42 performed at facilities that conform to the standards and guidelines
43 developed by the American Society of Reproductive Medicine or the
44 Society of Reproductive Endocrinology and Infertility;

45 (7) Limit coverage to individuals who have maintained coverage

46 under such policy for at least twelve months; and

47 (8) Require disclosure by the individual seeking such coverage to
48 such individual's existing health insurance carrier of any previous
49 infertility treatment or procedures for which such individual received
50 coverage under a different health insurance policy. Such disclosure
51 shall be made on a form and in the manner prescribed by the
52 Insurance Commissioner.

53 (c) (1) Any insurance company, hospital or medical service
54 corporation, or health care center may issue to a religious employer an
55 individual health insurance policy that excludes coverage for methods
56 of diagnosis and treatment of infertility that are contrary to the
57 religious employer's bona fide religious tenets.

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

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

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

73 Sec. 2. Section 38a-536 of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective January 1, 2010*):

75 (a) Subject to the limitations set forth in subsection (b) of this section

76 and except as provided in subsection (c) of this section, each group
77 health insurance policy providing coverage of the type specified in
78 subdivisions (1), (2), (4), (11) and (12) of section 38a-469 delivered,
79 issued for delivery, amended, renewed or continued in this state on or
80 after October 1, 2005, shall provide coverage for the medically
81 necessary expenses of the diagnosis and treatment of infertility,
82 including, but not limited to, ovulation induction, intrauterine
83 insemination, in-vitro fertilization, acupuncture treatment by an
84 acupuncturist licensed pursuant to section 20-206bb that is in
85 conjunction with in-vitro fertilization, uterine embryo lavage, embryo
86 transfer, gamete intra-fallopian transfer, zygote intra-fallopian transfer
87 and low tubal ovum transfer. For purposes of this section, "infertility"
88 means the condition of a presumably healthy individual who is unable
89 to conceive or produce conception or sustain a successful pregnancy
90 during a one-year period.

91 (b) Such policy may:

92 (1) Limit such coverage to an individual until the date of such
93 individual's fortieth birthday;

94 (2) Limit such coverage for ovulation induction to a lifetime
95 maximum benefit of four cycles;

96 (3) Limit such coverage for intrauterine insemination to a lifetime
97 maximum benefit of three cycles;

98 (4) Limit lifetime benefits to a maximum of two cycles, with not
99 more than two embryo implantations per cycle, for in-vitro
100 fertilization, gamete intra-fallopian transfer, zygote intra-fallopian
101 transfer or low tubal ovum transfer, provided each such fertilization or
102 transfer shall be credited toward such maximum as one cycle;

103 (5) Limit coverage for in-vitro fertilization, gamete intra-fallopian
104 transfer, zygote intra-fallopian transfer and low tubal ovum transfer to
105 those individuals who have been unable to conceive or produce

106 conception or sustain a successful pregnancy through less expensive
107 and medically viable infertility treatment or procedures covered under
108 such policy. Nothing in this subdivision shall be construed to deny the
109 coverage required by this section to any individual who foregoes a
110 particular infertility treatment or procedure if the individual's
111 physician determines that such treatment or procedure is likely to be
112 unsuccessful;

113 (6) Require that covered infertility treatment or procedures be
114 performed at facilities that conform to the standards and guidelines
115 developed by the American Society of Reproductive Medicine or the
116 Society of Reproductive Endocrinology and Infertility;

117 (7) Limit coverage to individuals who have maintained coverage
118 under such policy for at least twelve months; and

119 (8) Require disclosure by the individual seeking such coverage to
120 such individual's existing health insurance carrier of any previous
121 infertility treatment or procedures for which such individual received
122 coverage under a different health insurance policy. Such disclosure
123 shall be made on a form and in the manner prescribed by the
124 Insurance Commissioner.

125 (c) (1) Any insurance company, hospital or medical service
126 corporation, or health care center may issue to a religious employer a
127 group health insurance policy that excludes coverage for methods of
128 diagnosis and treatment of infertility that are contrary to the religious
129 employer's bona fide religious tenets.

130 (2) Upon the written request of an individual who states in writing
131 that methods of diagnosis and treatment of infertility are contrary to
132 such individual's religious or moral beliefs, any insurance company,
133 hospital or medical service corporation, or health care center may issue
134 to or on behalf of the individual a policy or rider thereto that excludes
135 coverage for such methods.

136 (d) Any health insurance policy issued pursuant to subsection (c) of
137 this section shall provide written notice to each insured or prospective
138 insured that methods of diagnosis and treatment of infertility are
139 excluded from coverage pursuant to said subsection. Such notice shall
140 appear, in not less than ten-point type, in the policy, application and
141 sales brochure for such policy.

142 (e) As used in this section, "religious employer" means an employer
143 that is a "qualified church-controlled organization", as defined in 26
144 USC 3121 or a church-affiliated organization.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2010	38a-509
Sec. 2	January 1, 2010	38a-536

Statement of Purpose:

To require health insurance coverage for acupuncture, in conjunction with in-vitro fertilization, in the treatment of infertility.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. CALIGIURI, 16th Dist.

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