

Effective 5/13/2014

31A-22-610.1 Indemnity benefit for adoption or infertility treatments.

- (1)
 - (a)
 - (i) If an insured has coverage for maternity benefits on the date of an adoptive placement, the insured's policy shall provide an adoption indemnity benefit payable to the insured, if a child is placed for adoption with the insured within 90 days of the child's birth. If more than one child from the same birth is placed for adoption with the insured, only one adoption indemnity benefit is required.
 - (ii) This section does not prevent an accident and health insurer from:
 - (A) adjusting the benefit payable under this section for cost sharing measures imposed under the policy or contract for maternity benefit coverage; or
 - (B) providing additional adoption indemnity benefits including:
 - (I) extending the period of time after birth in which a child must be placed with an insured; or
 - (II) providing a benefit in excess of the amount specified in Subsection (1)(c).
 - (b) An insurer that has paid the adoption indemnity benefit under Subsection (1)(a) may seek reimbursement of the benefit if:
 - (i) the postplacement evaluation disapproves the adoption placement; and
 - (ii) a court rules the adoption may not be finalized because of an act or omission of an adoptive parent or parents that affects the child's health or safety.
 - (c)
 - (i) The amount of the adoption indemnity benefit provided under Subsection (1) is \$4,000 subject to the adjustments permitted by Subsection (1)(a)(ii).
 - (ii) An insurer may comply with the provisions of this section by providing the \$4,000 adoption indemnity benefit to an enrollee to be used for the purpose of the enrollee obtaining infertility treatments rather than seeking reimbursement for an adoption in accordance with terms designated by the insurer.
 - (d) Each insurer shall pay its pro rata share of the adoption indemnity benefit if each adoptive parent:
 - (i) has coverage for maternity benefits with a different insurer; and
 - (ii) makes a claim for the adoption indemnity benefit provided in Subsection (1)(a).
- (2) If a policy offers optional maternity benefits, it shall also offer coverage for adoption indemnity benefits if:
 - (a) a child is placed for adoption with the insured within 90 days of the child's birth; and
 - (b) the adoption is finalized within one year of the child's birth.
- (3) If an insured qualifies for the adoption indemnity benefit under this section and receives services from a health care provider under contract with his insurer, the contracting health care provider may only collect from the insured the amount that the contracting health care provider is entitled to receive for such services under the contract, including any applicable copayment.
- (4) For purposes of this section, "contracting health care provider" means:
 - (a) a "participating provider" as defined in Section 31A-8-101; or
 - (b) a "preferred health care provider" as described in Section 31A-22-617.

Amended by Chapter 353, 2014 General Session