



28 (1) (a) (i) If an insured has coverage for maternity benefits on the date of an adoptive  
29 placement, the insured's policy shall provide an adoption indemnity benefit payable to the  
30 insured, if a child is placed for adoption with the insured within 90 days of the child's birth. If  
31 more than one child from the same birth is placed for adoption with the insured, only one  
32 adoption indemnity benefit is required.

33 (ii) This section does not prevent an accident and health insurer from adjusting the  
34 benefit payable under this section for cost sharing measures imposed under the policy or  
35 contract for maternity benefit coverage.

36 (b) An insurer that has paid the adoption indemnity benefit under Subsection (1)(a)  
37 may seek reimbursement of the benefit if:

- 38 (i) the postplacement evaluation disapproves the adoption placement; and
- 39 (ii) a court rules the adoption may not be finalized because of an act or omission of an  
40 adoptive parent or parents that affects the child's health or safety.

41 (c) The ~~[commissioner shall:(i) establish, by rule, the]~~ amount of the adoption  
42 indemnity benefit provided under Subsection (1) ~~[at a minimum of \$2,500; and]~~ is \$3,155  
43 subject to the adjustments permitted by Subsection (1)(a)(ii).

44 ~~[(ii) review the amount of the adoption indemnity benefit every two years to make any~~  
45 ~~necessary and reasonable adjustments, taking into account the average insurance cost of an~~  
46 ~~uncomplicated birth.]~~

47 (d) Each insurer shall pay its pro rata share of the adoption indemnity benefit if each  
48 adoptive parent:

- 49 (i) has coverage for maternity benefits with a different insurer; and
- 50 (ii) makes a claim for the adoption indemnity benefit provided in Subsection (1)(a).

51 (2) If a policy offers optional maternity benefits, it shall also offer coverage for  
52 adoption indemnity benefits if:

53 (a) a child is placed for adoption with the insured within 90 days of the child's birth;  
54 and

55 (b) the adoption is finalized within one year of the child's birth.

56 (3) If an insured qualifies for the adoption indemnity benefit under this section and  
57 receives services from a health care provider under contract with his insurer, the contracting  
58 health care provider may only collect from the insured the amount that the contracting health

59 care provider is entitled to receive for such services under the contract, including any  
60 applicable copayment.

61 (4) For purposes of this section, "contracting health care provider" means:

62 (a) a "participating provider" as defined in Section 31A-8-101; or

63 (b) a "preferred health care provider" as described in Section 31A-22-617.

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**Legislative Review Note**

**as of 12-12-03 12:09 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0085**

**Health Insurance Mandate Amendments**

*28-Jan-04*

*10:44 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

The bill caps the benefit to consumers at \$3,155. The benefit may be adjusted by insurance co-payments and deductibles owed.

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**Office of the Legislative Fiscal Analyst**