

1 **INSURANCE COVERAGE FOR INFERTILITY TREATMENT**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: LaVar Christensen**

5 Senate Sponsor: Curtis S. Bramble

7 **LONG TITLE**

8 **General Description:**

9 This bill authorizes, at the discretion of the insurer, the use of the adoption indemnity
10 benefit for infertility treatment.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ authorizes, at the discretion of the insurer, the use of the value of the adoption
14 indemnity benefit for infertility treatment.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **31A-22-610.1**, as last amended by Laws of Utah 2006, Chapter 94

23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section **31A-22-610.1** is amended to read:

25 **31A-22-610.1. Indemnity benefit for adoption or infertility treatments.**

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

30 adoption indemnity benefit is required.

31 (ii) This section does not prevent an accident and health insurer from:

32 (A) adjusting the benefit payable under this section for cost sharing measures imposed
33 under the policy or contract for maternity benefit coverage; or

34 (B) providing additional adoption indemnity benefits including:

35 (I) extending the period of time after birth in which a child must be placed with an
36 insured; or

37 (II) providing a benefit in excess of the amount specified in Subsection (1)(c).

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

40 (i) the postplacement evaluation disapproves the adoption placement; and

41 (ii) a court rules the adoption may not be finalized because of an act or omission of an
42 adoptive parent or parents that affects the child's health or safety.

43 (c) (i) The amount of the adoption indemnity benefit provided under Subsection (1) is
44 \$4,000 subject to the adjustments permitted by Subsection (1)(a)(ii).

45 (ii) An insurer may comply with the provisions of this section by providing the \$4,000
46 adoption indemnity benefit to an enrollee to be used for the purpose of the enrollee obtaining
47 infertility treatments rather than seeking reimbursement for an adoption in accordance with
48 terms designated by the insurer.

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

51 (i) has coverage for maternity benefits with a different insurer; and

52 (ii) makes a claim for the adoption indemnity benefit provided in Subsection (1)(a).

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

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

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

58 (3) If an insured qualifies for the adoption indemnity benefit under this section and
59 receives services from a health care provider under contract with his insurer, the contracting
60 health care provider may only collect from the insured the amount that the contracting health
61 care provider is entitled to receive for such services under the contract, including any
62 applicable copayment.

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

64 (a) a "participating provider" as defined in Section [31A-8-101](#); or

65 (b) a "preferred health care provider" as described in Section [31A-22-617](#).