

House Bill 1012

By: Representatives Moraitakis of the 42nd, Post 4 and Orrock of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 30 of Title 33 of the Official Code of Georgia Annotated,
2 relating to general provisions related to group or blanket accident and sickness insurance, so
3 as to provide for group accident and sickness insurance policies to include coverage for
4 diagnosis and treatment of infertility; to provide for a definition of "infertility;" to provide
5 for certain exclusions from coverage; to prohibit insurers from imposing certain exclusions
6 or limitations on coverage; to allow for greater benefits and coverage than required; to
7 provide for applicability; to allow for varying levels of benefits and coinsurance percentages;
8 to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Article 1 of Chapter 30 of Title 33 of the Official Code of Georgia Annotated, relating to
12 general provisions related to group or blanket accident and sickness insurance, is amended
13 by adding following Code Section 33-30-4.5, relating to coverage for child wellness services,
14 a new Code Section 33-30-4.6 to read as follows:

15 "33-30-4.6.

16 (a) As used in this Code section, the term 'infertility' means a disease or condition that
17 results in the abnormal functioning of the reproductive system such that a person is not able
18 to:

19 (1) Impregnate another person;

20 (2) Conceive after two years of unprotected intercourse if the female partner is under 35
21 years of age or one year of unprotected intercourse if the female partner is 35 years of age
22 or older or one of the partners is considered medically sterile; or

23 (3) Carry a pregnancy to live birth.

24 (b) Every insurer authorized to issue a group accident and sickness policy in this state shall
25 include, either as a part of or as a required endorsement to each such basic medical or
26 hospital expense, major medical, and comprehensive medical expense insurance policy

1 issued, delivered, issued for delivery, or renewed in this state on or after July 1, 2003,
 2 coverage for medically necessary expenses incurred in the diagnosis and treatment of
 3 infertility as provided pursuant to this Code section. Any such policy shall provide
 4 coverage that includes, but is not limited to, the following services related to infertility:

- 5 (1) Diagnosis and diagnostic test;
- 6 (2) Medications;
- 7 (3) Surgery;
- 8 (4) In vitro fertilization;
- 9 (5) Embryo transfer;
- 10 (6) Artificial insemination;
- 11 (7) Gamete intrafallopian transfer;
- 12 (8) Zygote intrafallopian transfer;
- 13 (9) Intracytoplasmic sperm injection; and
- 14 (10) Four completed egg retrievals per lifetime of the covered person.

15 Coverage for in vitro fertilization, gamete intrafallopian transfer, or zygote intrafallopian
 16 transfer may be limited to a covered person who has used all reasonable, less expensive,
 17 and medically appropriate treatments and is still unable to become pregnant or carry a
 18 pregnancy; has not reached the limit of four completed egg retrievals; and is 45 years of
 19 age or younger.

20 (c) No insurer shall be required to provide benefits for:

- 21 (1) Any experimental infertility procedure until the procedure becomes recognized as
 22 nonexperimental and is so recognized by the Commissioner;
- 23 (2) Surrogacy;
- 24 (3) Reversal of voluntary sterilization; or
- 25 (4) Cryopreservation of eggs.

26 (d) No insurer shall impose:

- 27 (1) Deductibles, copayments, coinsurance, benefit maximums, waiting periods, or any
 28 other limitations on coverage for required infertility benefits that are different from those
 29 imposed upon benefits for services not related to infertility;
- 30 (2) Preexisting condition exclusions or preexisting condition waiting periods on coverage
 31 for required infertility benefits. No insurer shall use any prior diagnosis of or prior
 32 treatment for infertility as a basis for excluding, limiting, or otherwise restricting the
 33 availability of coverage for required infertility benefits; or
- 34 (3) Exclusions, limitations, or other restrictions on coverage for infertility related drugs
 35 that are different from those imposed on any other prescription drugs.

36 (e) The coverage required under subsection (b) of this Code section shall provide benefits
 37 to the same extent as for other pregnancy related procedures under such policies; provided,

1 however, that the services provided for in this Code section shall be performed at facilities
2 that conform to standards established by the American Society for Reproductive Medicine
3 or the American College of Obstetricians and Gynecologists.

4 (f) The coverage required under subsection (b) of this Code section may be subject to
5 exclusions, reductions, or other limitations as to coverages, deductibles, or coinsurance
6 provisions as may be approved by the Commissioner.

7 (g) Nothing in this Code section shall be construed to prohibit the issuance of group
8 accident and sickness policies that provide benefits greater than those required by
9 subsection (b) of this Code section or more favorable to the insured than those required by
10 subsection (b) of this Code section.

11 (h) The provisions of this Code section shall apply to group basic medical or hospital
12 expense, major medical, or comprehensive medical expense insurance policies issued by
13 a fraternal benefit society, a nonprofit hospital service corporation, a nonprofit medical
14 service corporation, a health care corporation, a health maintenance organization, or any
15 similar entity.

16 (i) Nothing contained in this Code section shall be deemed to prohibit the payment of
17 different levels of benefits or from having differences in coinsurance percentages
18 applicable to benefit levels for services provided by preferred and nonpreferred providers
19 as otherwise authorized under the provisions of Article 2 of this chapter, relating to
20 preferred provider arrangements."

21 **SECTION 2.**

22 All laws and parts of laws in conflict with this Act are repealed.