

HOUSE No. 3889

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer M. Callahan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act preventing discrimination in infertility coverage.

PETITION OF:

NAME:

Jennifer M. Callahan

DISTRICT/ADDRESS:

18th Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PREVENTING DISCRIMINATION IN INFERTILITY COVERAGE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 47H of chapter 175 of the General Laws, as appearing in the 2006 Official Edition,
2 is hereby amended by adding the following paragraph:-

3 Fertility treatment coverage shall not be denied based on a women's age or inherent fertility potential
4 alone. Fertility treatment coverage shall be based on the patient's medical safety and the clinical
5 expertise of the treating Board Certified Reproductive Endocrinologist who is professionally trained
6 regarding infertility treatment options and patient counseling relative to the benefits and risks of Assisted
7 Reproductive technologies, treatments and procedures. Physicians and patients shall be free to choose
8 assisted reproductive technologies which shall include in vitro fertilization, intracytoplasmic sperm
9 injection, and embryonic assisted hatching and be covered by insurers. Such coverage shall prohibit
10 arbitrary limits placed by insurance providers on the number of attempts of infertility treatments and
11 procedures. Insurance provided may not use specific medical inclusion guidelines to deny infertility
12 coverage such as Ovarian Reserve Testing including, but not limited to Clomid Challenge testing.
13 Insurers shall be prohibited from using the words "naturally infertile" to exclude coverage for certain
14 infertility treatments including donor egg procedures. Insurers shall be required to simplify the infertility
15 coverage approval processes to minimize delays in treatments sought by patients and their treating
16 physicians. Insurance providers shall be prohibited from setting any time limit provision with regards to
17 coverage for fertility treatments among patients who have demonstrated recurrent pregnancy loss and are
18 clinically diagnosed with reproductive failure. Insurance providers shall be prohibited from the practice
19 of denying single women or lesbian couples from infertility coverage unless they have demonstrated a
20 certain number of MD supervised intrauterine inseminations before being diagnosed as infertile. The
21 same clinical criteria number of MD supervised intrauterine inseminations before being diagnosed as
22 infertile. The same clinical criteria that apply to heterosexual couples shall apply to single women or
23 lesbian couples in determining a diagnosis of infertility.