

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1800

S.P. 678

In Senate, May 6, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CLARK of Cumberland  
Cosponsored by Representative MITCHELL of Vassalboro and Representative GARLAND  
of Bangor.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act Concerning Insurance Coverage for the Diagnosis and Treatment  
of the Disease of Infertility.**

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(AFTER DEADLINE)



Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 24 MRSA §2320-B is enacted to read:

§2320-B. Coverage for diagnosis and treatment of the disease of infertility

1. Definitions. For the purposes of this section, "disease of infertility" means:

A. The inability to conceive a pregnancy after a year or more of regular sexual relations without contraception;

B. The inability to carry a pregnancy to a live birth; or

C. The presence of a demonstrated condition recognized as a cause of the disease of infertility by a licensed medical physician.

2. Required coverage. All individual and group nonprofit medical services plan contracts and all nonprofit health care plan contracts that provide coverage for gynecological and urological illnesses must provide coverage for diagnosis and treatment of the disease of infertility at the level of reimbursement for gynecological and urological illnesses. Coverage for diagnosis and treatment of the disease of infertility must include nonexperimental procedures, consistent with established medical practices in the diagnosis and treatment of the disease of infertility, considered necessary by the attending physician.

3. Application. This section applies to all policies, contracts and certificates executed, delivered and issued for delivery, continued or renewed in this State on or after the effective date of this section. For the purposes of this section, all policies and contracts are deemed to be renewed no later than the next yearly anniversary of the policy or contract date.

4. Prior treatment or diagnosis. Diagnosis or treatment of the disease of infertility prior to the effective date of this section may not be deemed a preexisting condition or in any way restrict or deny a right or benefit to coverage for diagnosis and treatment of infertility under any law, plan or policy.

Sec. 2. 24-A MRSA §§2752 and 2837-B are enacted to read:

§2752. Coverage for diagnosis and treatment of the disease of infertility

1. Definitions. For the purposes of this section, "disease of infertility" means:

2           A. The inability to conceive a pregnancy after a year or  
3           more of regular sexual relations without contraception;

4           B. The inability to carry a pregnancy to a live birth; or

5           C. The presence of a demonstrated condition recognized as a  
6           cause of the disease of infertility by a licensed medical  
7           physician.

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10           2. Required coverage. All individual insurance policies  
11           that provide coverage for gynecological and urological illnesses  
12           must provide coverage for diagnosis and treatment of the disease  
13           of infertility at the level of reimbursement for gynecological  
14           and urological illnesses. Coverage for diagnosis and treatment  
15           of the disease of infertility must include nonexperimental  
16           procedures, consistent with established medical practices in the  
17           diagnosis and treatment of the disease of infertility, considered  
18           necessary by the attending physician.

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20           3. Application. This section applies to all policies,  
21           contracts and certificates executed, delivered and issued for  
22           delivery, continued or renewed in this State on or after the  
23           effective date of this section. For the purposes of this  
24           section, all policies and contracts are deemed to be renewed no  
25           later than the next yearly anniversary of the policy or contract  
26           date.

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28           4. Prior treatment or diagnosis. Diagnosis or treatment of  
29           the disease of infertility prior to the effective date of this  
30           section may not be deemed a preexisting condition or in any way  
31           restrict or deny a right or benefit to coverage for diagnosis and  
32           treatment of the disease of infertility under any law, plan or  
33           policy.

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35           §2837-B. Coverage for diagnosis and treatment of the disease of  
36           infertility

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38           1. Definitions. For the purposes of this section, "disease  
39           of infertility" means:

40           A. The inability to conceive a pregnancy after a year or  
41           more of regular sexual relations without contraception;

42           B. The inability to carry a pregnancy to a live birth; or

43           C. The presence of a demonstrated condition recognized as a  
44           cause of the disease of infertility by a licensed medical  
45           physician.

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47           2. Required coverage. All group insurance policies that  
48           provide coverage for gynecological and urological illnesses must  
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2 provide coverage for diagnosis and treatment of the disease of  
3 infertility at the level of reimbursement for gynecological and  
4 urological illnesses. Coverage for diagnosis and treatment of  
5 the disease of infertility must include nonexperimental  
6 procedures, consistent with established medical practices in the  
7 diagnosis and treatment of the disease of infertility, considered  
8 necessary by the attending physician.

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10 3. Application. This section applies to all policies,  
11 contracts and certificates executed, delivered and issued for  
12 delivery, continued or renewed in this State on or after the  
13 effective date of this section. For the purposes of this  
14 section, all policies and contracts are deemed to be renewed no  
15 later than the next yearly anniversary of the policy or contract  
16 date.

17 4. Prior treatment or diagnosis. Diagnosis or treatment of  
18 the disease of infertility prior to the effective date of this  
19 section may not be deemed a preexisting condition or in any way  
20 restrict or deny a right or benefit to coverage for diagnosis and  
21 treatment of the disease of infertility under any law, plan or  
22 policy.

## 24 25 26 STATEMENT OF FACT

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28 This bill provides that all individual and group insurance  
29 policies, all individual and group nonprofit medical services  
30 plan contracts and all nonprofit health care plan contracts that  
31 provide coverage for gynecological and urological illnesses must  
32 provide coverage for the diagnosis and treatment of the disease  
33 of infertility. The coverage for the disease of infertility must  
34 include procedures consistent with established medical practices  
35 considered necessary by the attending physician.

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37 The bill clarifies that insurance policies reflect the fact  
38 that diagnosis and treatment for the disease of infertility can  
39 not be clearly distinguished from other aspects of gynecological  
40 and urological care and redresses past practices in the insurance  
41 industry that have resulted in inconsistent and inequitable  
42 coverage.