
SENATE BILL NO. 295—COMMITTEE ON COMMERCE AND LABOR

MARCH 3, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Requires certain policies of health insurance to provide coverage for diagnosis and treatment of infertility. (BDR 57-821)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to insurance; requiring certain policies of health insurance to provide coverage for the diagnosis and treatment of infertility; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 689A of NRS is hereby amended by adding thereto
2 a new section to read as follows:
3 1. *Except as otherwise provided in subsection 2, any policy of health*
4 *insurance that provides coverage for a pregnancy, including, without*
5 *limitation, coverage relating to complications of pregnancy as defined in*
6 *NRS 689A.042, must also provide commensurate coverage for the*
7 *diagnosis and treatment of infertility, including, without limitation,*
8 *coverage for nonexperimental procedures using assisted reproductive*
9 *technology. Such coverage must be subject to the same terms and*
10 *conditions that apply to the coverage for the pregnancy.*
11 2. *Coverage for in vitro fertilization, gamete intrafallopian transfer*
12 *or zygote intrafallopian transfer must be provided only if:*
13 (a) *The insured person has been unable to bring a pregnancy to live*
14 *birth through less costly treatments for infertility that are medically*
15 *appropriate and are otherwise covered under the policy;*
16 (b) *The insured person has not undergone four complete oocyte*
17 *retrievals, except that, if the insured person has brought a pregnancy to*
18 *live birth after a complete oocyte retrieval, coverage for at least two*

1 *additional retrievals must be provided, with a lifetime limit of six*
2 *retrievals; and*

3 *(c) The procedure is performed at a facility that is accredited by the*
4 *Reproductive Laboratory Accreditation Program of the College of*
5 *American Pathologists, or a similar program of its successor*
6 *organization, and complies with the standards of the American Society*
7 *for Reproductive Medicine or the American College of Obstetricians and*
8 *Gynecologists, or their successor organizations.*

9 *3. A policy subject to the provisions of this chapter that is delivered,*
10 *issued for delivery or renewed on or after October 1, 1999, has the legal*
11 *effect of including the coverage required by this section, and any*
12 *provision of the policy that conflicts with the provisions of this section is*
13 *void.*

14 *4. As used in this section:*

15 *(a) "Gamete intrafallopian transfer" means the direct transfer of a*
16 *mixture of an egg and sperm into the fallopian tube of a woman, with*
17 *fertilization occurring inside the fallopian tube.*

18 *(b) "In vitro fertilization" means a procedure whereby eggs and sperm*
19 *are combined and any fertilized and dividing eggs resulting therefrom*
20 *are transferred into the uterus of a woman or preserved cryogenically for*
21 *future use.*

22 *(c) "Infertility" means a disease or condition that causes a*
23 *reproductive system to function abnormally and results in the inability of*
24 *a woman to conceive a child after 1 year of unprotected sexual*
25 *intercourse or to carry a pregnancy to live birth.*

26 *(d) "Nonexperimental procedure" means a clinical treatment or*
27 *procedure for infertility whose safety and efficacy is recognized by the*
28 *American Society for Reproductive Medicine or the American College of*
29 *Obstetricians and Gynecologists, or their successor organizations.*

30 *(e) "Zygote intrafallopian transfer" means a procedure whereby an*
31 *egg is fertilized and transferred into the fallopian tube of a woman before*
32 *the cells begin to divide.*

33 **Sec. 2.** NRS 689A.330 is hereby amended to read as follows:

34 689A.330 If any policy is issued by a domestic insurer for delivery to a
35 person residing in another state, and if the insurance commissioner or
36 corresponding public officer of that other state has informed the
37 commissioner that the policy is not subject to approval or disapproval by
38 that officer, the commissioner may by ruling require that the policy meet
39 the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~H~~, and
40 *section 1 of this act.*

1 **Sec. 3.** Chapter 689B of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 **1. Except as otherwise provided in subsection 2, any policy of group**
4 **health or blanket health insurance that provides coverage for a**
5 **pregnancy, including, without limitation, coverage relating to**
6 **complications of pregnancy as defined in NRS 689B.260, must also**
7 **provide commensurate coverage for the diagnosis and treatment of**
8 **infertility, including, without limitation, coverage for nonexperimental**
9 **procedures using assisted reproductive technology. Such coverage must**
10 **be subject to the same terms and conditions that apply to the coverage for**
11 **the pregnancy.**

12 **2. Coverage for in vitro fertilization, gamete intrafallopian transfer**
13 **or zygote intrafallopian transfer must be provided only if:**

14 **(a) The insured person has been unable to bring a pregnancy to live**
15 **birth through less costly treatments for infertility that are medically**
16 **appropriate and are otherwise covered under the policy;**

17 **(b) The insured person has not undergone four complete oocyte**
18 **retrievals, except that, if the insured person has brought a pregnancy to**
19 **live birth after a complete oocyte retrieval, coverage for at least two**
20 **additional retrievals must be provided, with a lifetime limit of six**
21 **retrievals; and**

22 **(c) The procedure is performed at a facility that is accredited by the**
23 **Reproductive Laboratory Accreditation Program of the College of**
24 **American Pathologists, or a similar program of its successor**
25 **organization, and complies with the standards of the American Society**
26 **for Reproductive Medicine or the American College of Obstetricians and**
27 **Gynecologists, or their successor organizations.**

28 **3. A policy subject to the provisions of this chapter that is delivered,**
29 **issued for delivery or renewed on or after October 1, 1999, has the legal**
30 **effect of including the coverage required by this section, and any**
31 **provision of the policy that conflicts with the provisions of with this**
32 **section is void.**

33 **4. As used in this section:**

34 **(a) "Gamete intrafallopian transfer" means the direct transfer of a**
35 **mixture of an egg and sperm into the fallopian tube of a woman, with**
36 **fertilization occurring inside the fallopian tube.**

37 **(b) "In vitro fertilization" means a procedure whereby eggs and sperm**
38 **are combined and any fertilized and dividing eggs resulting therefrom**
39 **are transferred into the uterus of a woman or preserved cryogenically for**
40 **future use.**

41 **(c) "Infertility" means a disease or condition that causes a**
42 **reproductive system to function abnormally and results in the inability of**

1 *a woman to conceive a child after 1 year of unprotected sexual*
2 *intercourse or to carry a pregnancy to live birth.*

3 (d) *“Nonexperimental procedure” means a clinical treatment or*
4 *procedure for infertility whose safety and efficacy is recognized by the*
5 *American Society for Reproductive Medicine or the American College of*
6 *Obstetricians and Gynecologists, or their successor organizations.*

7 (e) *“Zygote intrafallopian transfer” means a procedure whereby an*
8 *egg is fertilized and transferred into the fallopian tube of a woman before*
9 *the cells begin to divide.*

10 **Sec. 4.** Chapter 695B of NRS is hereby amended by adding thereto a
11 new section to read as follows:

12 1. *Except as otherwise provided in subsection 2, any contract for*
13 *hospital or medical services that provides coverage for a pregnancy,*
14 *including, without limitation, coverage relating to complications of*
15 *pregnancy as defined in NRS 695B.192, must also provide*
16 *commensurate coverage for the diagnosis and treatment of infertility,*
17 *including, without limitation, coverage for nonexperimental procedures*
18 *using assisted reproductive technology. Such coverage must be subject to*
19 *the same terms and conditions that apply to the coverage for the*
20 *pregnancy.*

21 2. *Coverage for in vitro fertilization, gamete intrafallopian transfer*
22 *or zygote intrafallopian transfer must be provided only if:*

23 (a) *The insured person has been unable to bring a pregnancy to live*
24 *birth through less costly treatments for infertility that are medically*
25 *appropriate and are otherwise covered under the policy;*

26 (b) *The insured person has not undergone four complete oocyte*
27 *retrievals, except that, if the insured person has brought a pregnancy to*
28 *live birth after a complete oocyte retrieval, coverage for at least two*
29 *additional retrievals must be provided, with a lifetime limit of six*
30 *retrievals; and*

31 (c) *The procedure is performed at a facility that is accredited by the*
32 *Reproductive Laboratory Accreditation Program of the College of*
33 *American Pathologists, or a similar program of its successor*
34 *organization, and complies with the standards of the American Society*
35 *for Reproductive Medicine or the American College of Obstetricians and*
36 *Gynecologists, or their successor organizations.*

37 3. *A contract for hospital or medical services subject to the*
38 *provisions of this chapter that is delivered, issued for delivery or renewed*
39 *on or after October 1, 1999, has the legal effect of including the coverage*
40 *required by this section, and any provision of the contract that conflicts*
41 *with the provisions of this section is void.*

42 4. *As used in this section:*

1 (a) "Gamete intrafallopian transfer" means the direct transfer of a
2 mixture of an egg and sperm into the fallopian tube of a woman, with
3 fertilization occurring inside the fallopian tube.

4 (b) "In vitro fertilization" means a procedure whereby eggs and sperm
5 are combined and any fertilized and dividing eggs resulting therefrom
6 are transferred into the uterus of a woman or preserved cryogenically for
7 future use.

8 (c) "Infertility" means a disease or condition that causes a
9 reproductive system to function abnormally and results in the inability of
10 a woman to conceive a child after 1 year of unprotected sexual
11 intercourse or to carry a pregnancy to live birth.

12 (d) "Nonexperimental procedure" means a clinical treatment or
13 procedure for infertility whose safety and efficacy is recognized by the
14 American Society for Reproductive Medicine or the American College of
15 Obstetricians and Gynecologists, or their successor organizations.

16 (e) "Zygote intrafallopian transfer" means a procedure whereby an
17 egg is fertilized and transferred into the fallopian tube of a woman before
18 the cells begin to divide.

19 **Sec. 5.** Chapter 695C of NRS is hereby amended by adding thereto a
20 new section to read as follows:

21 **1.** Except as otherwise provided in subsection 2, any health
22 maintenance plan that provides coverage for a pregnancy, including,
23 without limitation, coverage relating to complications of pregnancy, as
24 defined in NRS 695C.172, must also provide commensurate coverage for
25 the diagnosis and treatment of infertility, including, without limitation,
26 coverage for nonexperimental procedures using assisted reproductive
27 technology. Such coverage must be subject to the same terms and
28 conditions that apply to the coverage for the pregnancy.

29 **2.** Coverage for in vitro fertilization, gamete intrafallopian transfer
30 or zygote intrafallopian transfer must be provided only if:

31 (a) The insured person has been unable to bring a pregnancy to live
32 birth through less costly treatments for infertility that are medically
33 appropriate and are otherwise covered under the health maintenance
34 plan;

35 (b) The insured person has not undergone four complete oocyte
36 retrievals, except that, if the insured person has brought a pregnancy to
37 live birth after a complete oocyte retrieval, coverage for at least two
38 additional retrievals must be provided, with a lifetime limit of six
39 retrievals; and

40 (c) The procedure is performed at a facility that is accredited by the
41 Reproductive Laboratory Accreditation Program of the College of
42 American Pathologists, or a similar program of its successor
43 organization, and complies with the standards of the American Society

1 *for Reproductive Medicine or the American College of Obstetricians and*
2 *Gynecologists, or their successor organizations.*

3 3. *Any evidence of coverage subject to the provisions of this chapter*
4 *that is delivered, issued for delivery or renewed on or after October 1,*
5 *1999, has the legal effect of including the coverage required by this*
6 *section, and any provision of the evidence of coverage that conflicts with*
7 *the provisions of this section is void.*

8 4. *As used in this section:*

9 (a) *“Gamete intrafallopian transfer” means the direct transfer of a*
10 *mixture of an egg and sperm into the fallopian tube of a woman, with*
11 *fertilization occurring inside the fallopian tube.*

12 (b) *“In vitro fertilization” means a procedure whereby eggs and sperm*
13 *are combined and any fertilized and dividing eggs resulting therefrom*
14 *are transferred into the uterus of a woman or preserved cryogenically for*
15 *future use.*

16 (c) *“Infertility” means a disease or condition that causes a*
17 *reproductive system to function abnormally and results in the inability of*
18 *a woman to conceive a child after 1 year of unprotected sexual*
19 *intercourse or to carry a pregnancy to live birth.*

20 (d) *“Nonexperimental procedure” means a clinical treatment or*
21 *procedure for infertility whose safety and efficacy is recognized by the*
22 *American Society for Reproductive Medicine or the American College of*
23 *Obstetricians and Gynecologists, or their successor organizations.*

24 (e) *“Zygote intrafallopian transfer” means a procedure whereby an*
25 *egg is fertilized and transferred into the fallopian tube of a woman before*
26 *the cells begin to divide.*

27 **Sec. 6.** NRS 695C.330 is hereby amended to read as follows:

28 695C.330 1. The commissioner may suspend or revoke any
29 certificate of authority issued to a health maintenance organization pursuant
30 to the provisions of this chapter if he finds that any of the following
31 conditions exist:

32 (a) The health maintenance organization is operating significantly in
33 contravention of its basic organizational document, its health care plan or in
34 a manner contrary to that described in and reasonably inferred from any
35 other information submitted pursuant to NRS 695C.060, 695C.070 and
36 695C.140, unless any amendments to those submissions have been filed
37 with and approved by the commissioner;

38 (b) The health maintenance organization issues evidence of coverage or
39 uses a schedule of charges for health care services which do not comply
40 with the requirements of NRS 695C.170 to 695C.200, inclusive, *and*
41 *section 5 of this act*, or NRS 695C.207;

42 (c) The health care plan does not furnish comprehensive health care
43 services as provided for in NRS 695C.060;

- 1 (d) The state board of health certifies to the commissioner that ~~the~~
2 ~~—(1) The~~ **the** health maintenance organization ~~{does}~~ **:**
3 **(1) Does** not meet the requirements of subsection 2 of NRS
4 695C.080; or
5 (2) ~~{The health maintenance organization is}~~ **Is** unable to fulfill its
6 obligations to furnish health care services as required under its health care
7 plan;
8 (e) The health maintenance organization is no longer financially
9 responsible and may reasonably be expected to be unable to meet its
10 obligations to enrollees or prospective enrollees;
11 (f) The health maintenance organization has failed to put into effect a
12 mechanism affording the enrollees an opportunity to participate in matters
13 relating to the content of programs pursuant to NRS 695C.110;
14 (g) The health maintenance organization has failed to put into effect the
15 system for complaints required by NRS 695C.260 in a manner reasonably
16 to dispose of valid complaints;
17 (h) The health maintenance organization or any person on its behalf has
18 advertised or merchandised its services in an untrue, misrepresentative,
19 misleading, deceptive or unfair manner;
20 (i) The continued operation of the health maintenance organization
21 would be hazardous to its enrollees; or
22 (j) The health maintenance organization has otherwise failed to comply
23 substantially with the provisions of this chapter.
24 2. A certificate of authority must be suspended or revoked only after
25 compliance with the requirements of NRS 695C.340.
26 3. If the certificate of authority of a health maintenance organization is
27 suspended, the health maintenance organization shall not, during the period
28 of that suspension, enroll any additional groups or new individual contracts,
29 unless those groups or persons were contracted for before the date of
30 suspension.
31 4. If the certificate of authority of a health maintenance organization is
32 revoked, the organization shall proceed, immediately following the
33 effective date of the order of revocation, to wind up its affairs and shall
34 conduct no further business except as may be essential to the orderly
35 conclusion of the affairs of the organization. It shall engage in no further
36 advertising or solicitation of any kind. The commissioner may by written
37 order permit such further operation of the organization as he may find to be
38 in the best interest of enrollees to the end that enrollees are afforded the
39 greatest practical opportunity to obtain continuing coverage for health care.

1 **Sec. 7.** The amendatory provisions of this act do not apply to offenses
2 that were committed before October 1, 1999.

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