

SENATE No. 1789

The Commonwealth of Massachusetts

SENATE, April 8, 1986.

The committee on Health Care, to whom was referred the petition (accompanied by bill, Senate, No. 488) of Edward L. Burke, Argeo Paul Cellucci, Salvatore R. Albano, George Bachrach, Martha E. Griffin and Sherwood Guernsey for legislation to provide a medical definition of infertility, report the accompanying bill (Senate, No. 1789).

For the committee,

EDWARD L. BURKE.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT PROVIDING A MEDICAL DEFINITION OF INFERTILITY.

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. Chapter 175 of the General Laws, as appearing in
2 the 1985 Official Edition, is hereby amended by adding after sec-
3 tion 47D the following sections: —

4 Section 47E. (a) Any blanket or general policy of insurance
5 described in subdivisions (A), (C) or (D) of section one hundred
6 and ten of this chapter or policy of accident and sickness insurance
7 described in section one hundred and eight of this chapter, which
8 policy is delivered, issued for delivery or renewed after this section
9 has become effective, and which policy provides pregnancy-related
10 benefits, shall provide as a benefit for all individual subscribers or
11 policyholders domiciled in the commonwealth and all group
12 members having a principal place of employment within the com-
13 monwealth, to the same extent that benefits are provided for other
14 pregnancy-related procedures, coverage for expenses of diagnosis
15 and treatment of infertility, provided that:

16 (1) The patient is the certificate or policy holder or the spouse
17 and a covered dependent of the certificate or policy holder;

18 (2) The procedures covered are performed in an appropriately
19 licensed physician's office, independent laboratory, ambulatory
20 care facility, inpatient or outpatient hospital or other facility that
21 conforms to the guidelines of the American College of Obstetrics
22 and Gynecology and of the American Fertility Society; and

23 (3) The procedures covered conform to the guidelines of the
24 American College of Obstetrics and Gynecology and of the Ameri-
25 can Fertility Society.

26 (b) For purposes of this section, "infertility" shall mean the
27 inability of a married couple to conceive a pregnancy after a year or
28 more of regular sexual relations without contraception or the
29 inability of such a couple to carry pregnancy to a live birth.

30 (c) Diagnostic procedures for the female for which benefits shall
31 be provided pursuant to subsection (a) of this section shall include,
32 but not be limited to:

33 (1) Comprehensive history and physical examination by a quali-
34 fied physician;

35 (2) Blood tests, including but not limited to, levels of follicular
36 stimulating hormone, prolactin, luteinizing hormone, progester-
37 rone, testosterone and thyroid;

38 (3) Postcoital analysis;

39 (4) Endometrial biopsy;

40 (5) Hysterosalpingogram;

41 (6) Hysteroscopy;

42 (7) Dilatation and curettage;

43 (8) Laparoscopy;

44 (9) Evaluation for female sperm antibody in both cervical
45 mucous and serum;

46 (10) Evaluation of infection as the cause of infertility;

47 (11) Sonographic documentation of ovulation and egg release;

48 (12) Chromosomal evaluation.

49 (d) Diagnostic procedures for the male for which benefits shall
50 be provided pursuant to subsection (a) of this section shall include,
51 but are not limited to:

52 (1) Comprehensive history and physical examination by a quali-
53 fied physician;

54 (2) Blood tests, including but not limited to, levels of follicular
55 stimulating hormone, luteinizing hormone and testosterone;

56 (3) Serial semen analysis at appropriate intervals;

57 (4) Evaluation for response of autoimmunity in semen and in
58 serum;

59 (5) Evaluation of cross-species penetration assay;

60 (6) Vasography;

61 (7) Testicular biopsy;

62 (8) Chromosomal evaluation.

63 (e) Therapeutic procedures for the female for which benefits
64 shall be provided pursuant to subsection (a) of this section shall
65 include, but are not limited to:

66 (1) Ovulation induction by hormone supplements;

67 (2) Artificial insemination by husband;

68 (3) Corrective surgery;

69 (4) Oocyte harvest and tubal bypass.

70 (f) Therapeutic procedures for the male for which benefits shall
71 be provided pursuant to subsection (a) of this section shall include,
72 but are not limited to:

73 (1) Therapy for removal of antibodies from sperm;

74 (2) Therapy to bypass cervical mucous when any of the follow-
75 ing conditions occur: excessive semen volume, sperm count
76 decrease, decreased sperm motility.

1 SECTION 2. Chapter 176A of the General Laws, as appearing
2 in the 1985 Official Edition, is hereby amended by adding after
3 section 8G the following section: —

4 Section 8H. (a) Any contract between a subscriber and the cor-
5 poration under an individual or group hospital service plan which
6 is delivered, issued for delivery or renewed after this section has
7 become effective, and which provides pregnancy-related benefits,
8 shall provide as a benefit for all individual subscribers or members
9 domiciled in the commonwealth and all group members having a
10 principal place of employment within the commonwealth, to the
11 same extent that benefits are provided for other pregnancy-related
12 procedures, coverage for expenses of diagnosis and treatment of
13 infertility, provided that:

14 (1) The patient is the subscriber or certificate holder or the
15 spouse and a covered dependent of the subscriber or certificate
16 holder;

17 (2) The procedures covered are performed in an appropriately
18 licensed physician's office, independent laboratory, ambulatory
19 care facility, inpatient or outpatient hospital or other facility that
20 conforms to the guidelines of the American College of Obstetrics
21 and Gynecology and of the American Fertility Society; and

22 (3) The procedures covered conform to the guidelines of the
23 American College of Obstetrics and Gynecology and of the Ameri-
24 can Fertility Society.

25 (b) For purposes of this section, "infertility" shall mean the
26 inability of a married couple to conceive a pregnancy after a year or
27 more of regular sexual relations without contraception or the
28 inability of such a couple to carry pregnancy to a live birth.

29 (c) Diagnostic procedures for the female for which benefits shall
30 be provided pursuant to subsection (a) of this section shall include,
31 but are not limited to:

32 (1) Comprehensive history and physical examination by a quali-
33 fied physician;

34 (2) Blood tests, including but not limited to, levels of follicular
35 stimulating hormone, prolactin, luteinizing hormone, progester-
36 rone, testosterone and thyroid;

37 (3) Postcoital analysis;

38 (4) Endometrial biopsy;

39 (5) Hysterosalpingogram;

40 (6) Hysteroscopy;

41 (7) Dilatation and curettage;

42 (8) Laparoscopy;

43 (9) Evaluation for female sperm antibody in both cervical
44 mucous and serum;

45 (10) Evaluation of infection as the cause of infertility;

46 (11) Sonographic documentation of ovulation and egg release;

47 (12) Chromosomal evaluation;

48 (d) Diagnostic procedures for the male for which benefits shall
49 be provided pursuant to subsection (a) of this section shall include,
50 but are not limited to:

51 (1) Comprehensive history and physical examination by a quali-
52 fied physician;

53 (2) Blood tests, including but not limited to, levels of follicular
54 stimulating hormone, luteinizing hormone and testosterone;

55 (3) Serial semen analysis at appropriate intervals;

56 (4) Evaluation for response of autoimmunity in semen and in
57 serum;

58 (5) Evaluation of cross-species penetration assay;

59 (6) Vasography;

60 (7) Testicular biopsy;

61 (8) Chromosomal evaluation.

62 (e) Therapeutic procedures for the female for which benefits
63 shall be provided pursuant to subsection (a) of this section shall
64 include, but are not limited to:

65 (1) Ovulation induction by hormone supplements;

66 (2) Artificial insemination by husband;

67 (3) Corrective surgery;

68 (4) Oocyte harvest and tubal bypass.

69 (f) Therapeutic procedures for the male for which benefits shall

70 be provided pursuant to subsection (a) of this section shall include,
71 but are not limited to:

72 (1) Therapy for removal of antibodies from sperm;

73 (2) Therapy to bypass cervical mucous when any of the follow-
74 ing conditions occur: excessive semen volume, sperm count
75 decrease, decreased sperm motility.

1 SECTION 3. Chapter 176B of the General Laws, as appearing
2 in the 1985 Official Edition, is hereby amended by adding after
3 section 4F the following section: —

4 Section 4G. (a) Any subscription certificate under an individ-
5 ual or group medical service agreement which is delivered, issued
6 for delivery or renewed after this section has become effective, and
7 which provides pregnancy-related benefits, shall provide as a
8 benefit for all individual subscribers or members domiciled in the
9 commonwealth and all group members having a principal place of
10 employment within the commonwealth, to the same extent that
11 benefits are provided for other pregnancy-related procedures, cov-
12 erage for expenses of diagnosis and treatment of infertility, pro-
13 vided that:

14 (1) The patient is the subscriber or certificate holder or the
15 spouse and a covered dependent of the subscriber or certificate
16 holder;

17 (2) The procedures covered are performed in an appropriately
18 licensed physician's office, independent laboratory, ambulatory
19 care facility, inpatient or outpatient hospital or other facility that
20 conforms to the guidelines of the American College of Obstetrics
21 and Gynecology and of the American Fertility Society; and

22 (3) The procedures covered conform to the guidelines of the
23 American College of Obstetrics and Gynecology and of the Ameri-
24 can Fertility Society.

25 (b) For purposes of this section, "infertility" shall mean the
26 inability of a married couple to conceive a pregnancy after a year or
27 more of regular sexual relations without contraception or the
28 inability of such a couple to carry pregnancy to a live birth.

29 (c) Diagnostic procedures for the female for which benefits shall
30 be provided pursuant to subsection (a) of this section shall include,
31 but are not limited to:

32 (1) Comprehensive history and physical examination by a quali-
33 fied physician;

34 (2) Blood tests, including but not limited to, levels of follicular
35 stimulating hormone, prolactin, luteinizing hormone, progesterone,
36 rone, testosterone and thyroid;

37 (3) Postcoital analysis;

38 (4) Endometrial biopsy;

39 (5) Hysterosalpingogram;

40 (6) Hysteroscopy;

41 (7) Dilatation and curettage;

42 (8) Laparoscopy;

43 (9) Evaluation for female sperm antibody in both cervical
44 mucous and serum;

45 (10) Evaluation of infection as the cause of infertility;

46 (11) Sonographic documentation of ovulation and egg release;

47 (12) Chromosomal evaluation.

48 (d) Diagnostic procedures for the male for which benefits shall
49 be provided pursuant to subsection (a) of this section shall include,
50 but are not limited to:

51 (1) Comprehensive history and physical examination by a quali-
52 fied physician;

53 (2) Blood tests, including but not limited to, levels of follicular
54 stimulating hormone, luteinizing hormone and testosterone;

55 (3) Serial semen analysis at appropriate intervals;

56 (4) Evaluation for response of autoimmunity in semen and in
57 serum;

58 (5) Evaluation of cross-species penetration assay;

59 (6) Vasography;

60 (7) Testicular biopsy;

61 (8) Chromosomal evaluation.

62 (e) Therapeutic procedures for the female for which benefits
63 shall be provided pursuant to subsection (a) of this section shall
64 include, but are not limited to:

65 (1) Ovulation induction by hormone supplements;

66 (2) Artificial insemination by husband;

67 (3) Corrective surgery;

68 (4) Oocyte harvest and tubal bypass.

69 (f) Therapeutic procedures for the male for which benefits shall
70 be provided pursuant to subsection (a) of this section shall include,
71 but are not limited to:

72 (1) Therapy for removal of antibodies from sperm;

73 (2) Therapy to bypass cervical mucous when any of the follow-
74 ing conditions occur: excessive semen volume, sperm count
75 decrease, decreased sperm motility.

1 SECTION 4. Section 4 of chapter 176G of the General Laws, as
2 appearing in the 1985 Official Edition, is hereby amended by
3 adding the following sentence: — Such health maintenance con-
4 tract shall also provide coverage for diagnosis and treatment of
5 infertility as set forth in section forty-seven E of chapter one
6 hundred and seventy-five.