



DOMESTIC AND FOREIGN INSURERS BULLETIN NO. 103

TO: ALL INSURERS PROVIDING HEALTH INSURANCE COVERAGE IN DELAWARE

RE: COVERAGE FOR FERTILITY CARE SERVICES

DATED: October 5, 2018

REVISED: October 9, 2018

The purpose of the October 5, 2018 version of this Bulletin was to notify all domestic and foreign insurers providing individual health insurance coverage under 18 *Del.C.* § 3342 and group and blanket health insurance coverage under 18 *Del.C.* § 3556 that Senate Bill No. 139 as amended by Senate Amendment No. 1 (SB139/SA1) contains new coverage requirements for fertility care services, and that these coverage requirements are now effective, as of the June 30, 2018 bill signing date.

The purpose of revising this Bulletin is to clarify that SB 139/SA1 applies to all policies issued or renewed on or after the effective date of the SB139/SA1.

Sections 3342 and 3556 of Chapter 18 of the Delaware Code contain the insurance coverage requirements for obstetrical and gynecological coverage in individual, and in group and blanket plans, respectively. The Bill amends each Section to require that obstetrical and gynecological coverage must now also include:

- *In vitro* fertilization services for individuals who suffer from a disease or condition that results in the inability to procreate or to carry a pregnancy to live birth; and
- Standard fertility preservation services for individuals who must undergo medically necessary treatment that may cause iatrogenic infertility (an impairment of fertility due to surgery, radiation, chemotherapy, or other medical treatment).

Additionally, these benefits must be provided to all covered individuals, including covered spouses and covered non-spouse dependents, to the same extent as are other pregnancy-related benefits.

All insurers providing individual health insurance coverage under 18 *Del.C.* § 3342 and group and blanket health insurance coverage under 18 *Del.C.* § 3556 in Delaware should ensure that all health insurance plans issued on or after June 30, 2018 contain the required coverage. The Department requests that insurers inform affected consumers of the availability of this coverage. Questions, comments, or requests for clarification concerning information within this Bulletin should be emailed to consumer@state.de.us.

This Bulletin shall be effective immediately and shall remain in effect unless withdrawn or superseded by subsequent law, regulation or bulletin.

Trinidad Navarro
Delaware Insurance Commissioner

NOTE: This Bulletin is intended solely for informational purposes. It is not intended to set forth legal rights, duties, or privileges, nor is it intended to provide legal advice. Readers should consult applicable statutes and rules and contact the Delaware

Department of Insurance if additional information is needed.

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