Effective 5/8/2018

49-20-418 Expanded infertility treatment coverage pilot program.

(1) As used in this section:
   (a) "Assisted reproductive technology" means the same as the term is defined in 42 U.S. Code Sec. 26-3a-7a.
   (b) "Physician" means the same as the term is defined in Section 58-67-102.
   (c) "Pilot program" means the expanded infertility treatment coverage pilot program described in Subsection (2).
   (d) "Qualified individual" means a covered individual who is eligible for maternity benefits under the program.

(2)
   (a) Beginning plan year 2018-19, and ending plan year 2020-21, the program shall offer a 3-year pilot program within the state risk pool that provides coverage to a qualified individual for the use of an assisted reproductive technology.
   (b) The pilot program shall offer a one-time, lifetime maximum benefit of $4,000 toward the costs of using an assisted reproductive technology for each qualified individual.
   (c) The benefit described in Subsection (2)(b) is subject to the same cost sharing requirements as the covered individual's plan.

(3) Coverage offered under the pilot program applies if:
   (a) the patient who will use the assisted reproductive technology is a qualified individual;
   (b) the patient's physician verifies that the patient or the patient's spouse has a demonstrated condition recognized by a physician as a cause of infertility; or
      (i) the patient attests that the patient is unable to conceive a pregnancy or carry a pregnancy to a live birth after a year or more of regular sexual relations without contraception;
      (ii) the patient attests that the patient has been unable to attain a successful pregnancy through any less-costly, potentially effective infertility treatments for which coverage is available under the health benefit plan; and
   (d) the use of the assisted reproductive technology procedure is performed at a medical facility that conforms to the minimal standards for programs of assisted reproductive technology procedures adopted by the American Society for Reproductive Medicine.

(4) Coverage offered under the pilot program:
   (a) may not exceed $4,000 over the lifetime of each qualified individual;
   (b) shall satisfy, in accordance with Subsection 31A-22-610.1(1)(c)(ii), the requirement to provide an adoption indemnity benefit to a qualified individual under Section 31A-22-610.1; and
   (c) does not apply to a qualified individual if the qualified individual has received the adoption indemnity benefit required under Section 31A-22-610.1.

(5)
   (a) The purpose of the pilot program is to study the efficacy of providing coverage for the use of an assisted reproductive technology and is not a mandate for coverage of an assisted reproductive technology within all health plans offered by the program.
   (b) Before November 30, 2021, the program shall report to the Social Services Appropriations Subcommittee regarding the costs and benefits of the pilot program.

(6) Under Section 63J-1-603, the Legislature intends that the cost of the pilot program will be paid from money above the minimum recommended level in the public employees’ state risk pool reserve.

Enacted by Chapter 357, 2018 General Session