

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 1882

BY: RICE

AS INTRODUCED

AN ACT RELATING TO INSURANCE; REQUIRING THAT

MATERNITY BENEFITS BE PROVIDED IN CERTAIN

CIRCUMSTANCES; MAKING PAYMENT OF BENEFITS A DEBT TO

THE INSURER IN CERTAIN CIRCUMSTANCES; PROVIDING FOR

RECOVERY OF THE DEBT; DEFINING TERM; PROVIDING FOR

CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6059.1 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. All individual and group health insurance policies providing coverage on an expense-incurred basis, and all individual and group service or indemnity type contracts issued by a nonprofit corporation or a charitable and benevolent corporation established for the purposes of operating a nonprofit hospital service or indemnity plan, and all self-insurers which provide coverage for maternity benefits for an insured or subscriber shall also provide such benefits for a woman eighteen (18) years of age or older who has entered into an agreement with the insured or subscriber to serve as a surrogate mother for a child that will be adopted by the insured or subscriber.

B. The payment of maternity expenses by the insurer shall create a debt to the insurer if the surrogate mother does not comply with the terms of the agreement between the insured or subscriber and the surrogate mother, whether or not the insured or subscriber commences a civil action against the surrogate mother. The insurer shall be entitled to recover the debt from either party or from both parties to the agreement.

C. The payment of maternity expenses by the insurer shall create a debt to the insurer if the insured or subscriber fails to comply with the terms of the agreement between the insured or subscriber and the surrogate mother, whether or not the surrogate mother commences a civil action against the insured or subscriber. The insurer shall be entitled to recover the debt from the insured or subscriber.

D. As used in this section, "maternity benefits" shall include medical expenses incurred for in vitro fertilization, artificial insemination, prenatal care, delivery, and postpartum care.

SECTION 2. This act shall become effective September 1, 1992.

43-2-6885

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