

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3841

By: Pittman

AS INTRODUCED

An Act relating to infertility insurance coverage; defining terms; requiring insurance coverage for certain infertility care; specifying terms of coverage; 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 6060.2a of Title 36, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "ACOG" means the American College of Obstetricians and Gynecologists or its successor organization;

2. "ASCO" means the American Society of Clinical Oncology or its successor organization;

3. "ASRM" means the American Society for Reproductive Medicine or its successor organization;

1 4. "Diagnosis of and treatment for infertility" means the
2 procedures and medications recommended by a licensed physician that
3 are consistent with established, published, or approved medical
4 practices or professional guidelines from ACOG or ASRM for
5 diagnosing and treating infertility;

6 5. "Infertility" means a disease or condition characterized by:

- 7 a. the failure to impregnate or conceive,
- 8 b. a person's inability to reproduce either as an
9 individual or with the person's partner, or
- 10 c. a licensed physician's findings based on a patient's
11 medical, sexual, and reproductive history, age,
12 physical findings, or diagnostic testing;

13 6. "Licensed physician" means a person licensed by the Oklahoma
14 State Board of Medical Licensure and Supervision or the State Board
15 of Osteopathic Examiners to practice medicine in this state; and

16 7. "Standard fertility preservation services" means procedures
17 and services that are consistent with established medical practices
18 or professional guidelines published by ASRM or ASCO for a person
19 who has a medical condition or is expected to undergo medication
20 therapy, surgery, radiation, chemotherapy, or other medical
21 treatment that is recognized by medical professionals to cause a
22 risk of impairment to fertility.

1 SECTION 2. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 6060.2b of Title 36, unless
3 there is created a duplication in numbering, reads as follows:

4 A. All individual and group health benefit plans issued or
5 renewed in this state, including any insurance plan provided by the
6 Employee Group Insurance Division of the Office of Management and
7 Enterprise Services, shall provide coverage for the diagnosis of and
8 treatment for infertility and standard fertility preservation
9 services.

10 B. The coverage required by this act includes three completed
11 oocyte retrievals with unlimited embryo transfers in accordance with
12 the guidelines of the American Society of Clinical Oncology, using
13 single embryo transfer when recommended and medically appropriate.

14 C. The health benefit plan shall not impose:

15 1. Any exclusions, limitations, or other restrictions on
16 coverage of fertility medications that are different from the
17 exclusions, limitations, or other restrictions imposed on any other
18 prescription medications covered under the health benefit plan; or

19 2. Deductibles, copayments, coinsurance, benefit maximums,
20 waiting periods, or other limitations on coverage for the diagnosis
21 of and treatment for infertility and standard fertility preservation
22 services, except as otherwise specified in this act, that are
23 different from deductibles, copayments, coinsurance, benefit
24 maximums, waiting periods, or other limitations imposed on benefits
--

1 for services covered under the health benefit plan that are not
2 related to infertility.

3 D. The Oklahoma Insurance Commissioner shall adopt rules
4 consistent with and as are necessary to implement this act.

5 E. A religious employer may request and a carrier subject to
6 this act shall grant an exclusion from the coverage required under
7 this act in a health benefit plan if the required coverage conflicts
8 with the religious organization's bona fide religious beliefs and
9 practices. A religious employer that obtains an exclusion under
10 this act shall provide its employees reasonable and timely notice of
11 the exclusion of the coverage described in this act from the health
12 benefit plan the religious employer offers to its employees.

13 F. 1. Within one hundred twenty (120) days after the effective
14 date of this act, the Oklahoma Insurance Department shall submit to
15 the federal Department of Health and Human Services its
16 determination as to whether the coverage specified in this act is in
17 addition to essential health benefits and would be subject to
18 defrayal by the state pursuant to 42 U.S.C., Section 18031 (d) (3) (b)
19 and a request that the federal Department confirm the Department's
20 determination within sixty (60) days after receipt of the
21 Department's request and submission of its determination.

22 2. This act applies to health benefit plans issued or renewed
23 in this state that are subject to this act, and the Oklahoma
24
--

1 Insurance Department shall implement the requirements of this act,
2 if:

- 3 a. the Department receives confirmation from the federal
4 Department of Health and Human Services that the
5 coverage specified in this act does not constitute an
6 additional benefit that requires defrayal by the state
7 pursuant to 42 U.S.C., Section 18031 (d) (3) (b), or
8 b. more than three hundred sixty-five (365) days have
9 passed since the Department submitted its
10 determination and request for confirmation that the
11 coverage specified in this act is not an additional
12 benefit that requires state defrayal pursuant to 42
13 U.S.C., Section 18031 (d) (3) (b), and the federal
14 Department of Health and Human Services has failed to
15 respond to the request within that period, in which
16 case the Department shall consider the federal
17 Department's unreasonable delay a preclusion from
18 requiring defrayal by the state.

19 SECTION 3. This act shall become effective November 1, 2024.
20

21 59-2-9650 TJ 01/18/24
22
23
24
--