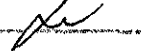


FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

7 JUL 24 2:34P

SENATE  
S. B. No. 1342

RECEIVED BY: 

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*Introduced by Senator Miriam Defensor Santiago*

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EXPLANATORY NOTE


The Constitution, Article II, Section 15, provides:

The State shall protect and promote the right to health of the people and instill health consciousness among them.

A fundamental part of human experience is fulfilling the desire to reproduce. Unfortunately, millions of Filipino women and men are suffering from infertility.

While recent improvements in therapy make pregnancy possible for more couples now than in past years, the majority of group health plans do not provide coverage for infertility therapy; thus, making it impossible for low and middle income families to avail of the technology.

Hence, this bill seeks to require coverage for the treatment of infertility in any group health plan or individual health insurance.\*

  
MIRIAM DEFENSOR SANTIAGO  
*def*


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\* This bill was originally filed during the Thirteenth Congress, First Regular Session.

FOURTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
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7 JUL 24 11:48

SENATE  
S. B. No. 1342

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Introduced by Senator Miriam Defensor Santiago

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1 AN ACT  
2 REQUIRING COVERAGE FOR THE TREATMENT OF INFERTILITY  
3 IN ANY GROUP HEALTH PLAN OR HEALTH INSURANCE

4 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*  
5 *assembled:*

6 SECTION 1. *Short Title.* – This Act shall be known as the “Family Building Act of  
7 2007.”

8 SECTION 2. *Standards Relating to Benefits for Treatment of Infertility.* –

9 (A) *In General.* – In a case in which a group health plan and a health insurance issuer,  
10 offering health insurance coverage, provide coverage for obstetrical services, such plan or issuer  
11 shall include coverage for treatment of infertility consistent with this Section.

12 (B) *Infertility Defined.* – For purposes of this section, the term ‘infertility’ means a  
13 disease or condition that results in the abnormal function of the reproductive system, which  
14 results in –

15 (1) The inability to conceive after (one) 1 year of unprotected intercourse, or

16 (2) The inability to carry a pregnancy to live birth.

17 (C) *Required Coverage.* – A group health plan and a health insurance issuer, offering  
18 health insurance coverage shall provide coverage for treatment of infertility deemed appropriate  
19 by a participant or beneficiary and the treating physician. Such treatment shall include ovulation  
20 induction, artificial insemination, in vitro fertilization (IVF), gamete intrafallopian transfer  
21 (GIFT), zygote intrafallopian transfer (ZIFT), intracytoplasmic sperm injection (ICSI), and any  
22 other treatment provided it has been deemed as ‘non-experimental’ by the Secretary of Health

1 after consultation with appropriate professional and patient organizations such as the Philippine  
2 Association of Medical Technologists.

3 *(D) Limitation on Coverage of Assisted Reproductive Technology. –*

4 *(1) In General. –* In the case of assisted reproductive technology, coverage shall  
5 be provided if –

6 *(a)* The participant or beneficiary has been unable to bring a pregnancy  
7 into a live birth through less costly medically appropriate infertility treatments for  
8 which coverage is available under the insured's policy, plan, or contract;

9 *(b)* The participant or beneficiary has not undergone four (4) complete  
10 oocyte retrievals, except that if a live birth follows a completed oocyte retrieval,  
11 then at least two (2) more completed oocyte retrievals shall be covered, with a  
12 *lifetime cap of 6 retrievals;*

13 *(2) Definition of Assisted Reproductive Technology. –* For purposes of this  
14 paragraph, the term 'assisted reproductive technology' includes all treatments or  
15 procedures that involve the handling of human egg and sperm for the purpose of helping  
16 a woman become pregnant. Types of Assisted Reproductive Technology include in vitro  
17 fertilization, gamete intrafallopian transfer, zygote intrafallopian transfer, embryo  
18 cryopreservation, egg or embryo donation, and surrogate birth.

19 *(E) Review by the Secretary of Health. –* Not later than five (5) years after the date of  
20 enactment of the Family Building Act, the Secretary of Health shall review the requirements for  
21 treatment of infertility established under paragraph (D)(1).

22 *(F) Limitation. –* Deductibles, co-insurance, and other cost-sharing or other limitations for  
23 infertility therapy may not be imposed to the extent they exceed the deductibles, co-insurance,  
24 and limitations that are applied to similar services under the group health plan or health  
25 insurance coverage.

26 *(G) Prohibitions. –* A group health plan and a health insurance issuer, offering group  
27 health insurance coverage, in connection with a group health plan, may not –

1           (1) Deny to a participant or beneficiary eligibility, or continued eligibility, to  
2 enroll or to renew coverage under the terms of the plan, solely for the purpose of  
3 avoiding the requirements of this section;

4           (2) Provide incentives, either monetary or otherwise, to a participant or  
5 beneficiary to encourage such participant or beneficiary not to be provided infertility  
6 treatments to which they are entitled under this section or to providers to induce such  
7 providers not to provide such measurements to qualified participants or beneficiaries;

8           (3) Prohibit a provider from discussing with a participant or beneficiary infertility  
9 treatment techniques or medical treatment options relating to this section; or

10           (4) Penalize or otherwise reduce or limit the reimbursement of a provider because  
11 such provider provided infertility treatments to a qualified participant or beneficiary in  
12 accordance with this section.

13           (H) *Rule of Construction.* – Nothing in this Section shall be construed to require a  
14 participant or beneficiary to undergo infertility therapy.

15           SECTION 3. *Separability Clause.* – If any provision or part hereof, is held invalid or  
16 unconstitutional, the remainder of the law or the provision shall remain valid and subsisting.

17           SECTION 4. *Repealing Clause.* – Any law, presidential decree or issuance, executive  
18 order, letter of instruction, administrative order, rule or regulations contrary to or inconsistent  
19 with, the provisions of this Act is hereby repealed, modified, or amended accordingly.

20           SECTION 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its  
21 publication in at least two (2) newspapers of general circulation.

22           Approved,