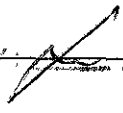


FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

1958  
10 JUL 22 P5 55

SENATE  
S. No. **1958**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 11, Section 15, provides:

SEC. 15. 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.\*

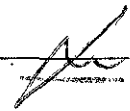
  
MIRIAM DEFENSOR SANTIAGO

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

10 00 22 PM '55

SENATE  
S. No. 1958

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Introduced by Senator Miriam Defensor Santiago

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

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

4 SECTION 1. *Short Title.* - This Act shall be known as the "Family Building Act."

5 SECTION 2. *Standards Relating to Benefits for Treatment of infertility.*

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

9 (B) *Infertility Defined.* - For purposes of this section, the term 'infertility' means a  
10 disease or condition that results in the abnormal function of the reproductive system, which  
11 results in -

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

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

14 (C) *Required Coverage.* - A group health plan and a health insurance issuer, offering  
15 health insurance coverage shall provide coverage for treatment of infertility deemed appropriate  
16 by a participant or beneficiary and the treating physician. Such treatment shall include ovulation  
17 induction, artificial insemination, in vitro fertilization (IVF), gamete intrafallopian transfer  
18 (GIFT), zygote intrafallopian transfer (ZFT), intracytoplasmic sperm injection (ICSI), and any  
19 other treatment provided it has been deemed as 'non-experimental' by the Secretary of Health  
20 after consultation with appropriate professional and patient organizations such as the Philippine  
21 Association of Medical Technologists.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 SECTION 3. *Separability Clause.* - If any provision or part hereof, is held invalid or  
14 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
15 valid and subsisting.

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

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

Approved,