

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



13 SEP 10 P3:09

SENATE
S. No. 1616

RECEIVED BY: *jin*

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.

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.

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

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Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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

13 SEP 10 P 3:09

SENATE
S. No. 1616

RECEIVED BY: *Jan*

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 "Infertility Treatment in Health
5 Insurance Act."

6 SECTION 2. *Standards Relating to Benefits for Treatment of Infertility.* -

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

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

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

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

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

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

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

4 (a) The participant or beneficiary has been unable to bring a
5 pregnancy into a live birth through less costly medically
6 appropriate infertility treatments for which coverage is available
7 under the insured's policy, 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
10 oocyte retrieval, then at least two (2) more completed oocyte
11 retrievals shall be 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
14 treatments or procedures that involve the handling of human egg and
15 sperm for the purpose of helping a woman become pregnant. Types of
16 Assisted Reproductive Technology include in vitro fertilization, gamete
17 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
23 for infertility therapy may not be imposed to the extent they exceed the deductibles, co-
24 insurance, and limitations that are applied to similar services under the group health plan or
25 health 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
3 purpose of 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
6 infertility treatments to which they are entitled under this section or to
7 providers to induce such providers not to provide such measurements to
8 qualified participants or beneficiaries;
- 9 (3) Prohibit a provider from discussing with a participant or beneficiary
10 infertility treatment techniques or medical treatment options relating to
11 this section; or
- 12 (4) Penalize or otherwise reduce or limit the reimbursement of a provider
13 because such provider provided infertility treatments to a qualified
14 participant or beneficiary in accordance with this section.

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

17 SECTION 3. *Separability Clause.* - If any provision or part thereof is held invalid or
18 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
19 valid and subsisting.

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

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

Approved,