



December 30, 2022

The Honorable Larry Hogan  
Governor  
State of Maryland  
Annapolis, MD 21401-1991

The Honorable Bill Ferguson  
President of the Senate  
H-107 State House  
Annapolis, MD 21401-1991

The Honorable Adrienne A. Jones  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401-1991

Dear Governor Hogan, President Ferguson, and Speaker Jones:

Pursuant to Insurance Article §15-1501, Annotated Code of Maryland, the Maryland Health Care Commission is pleased to submit the enclosed mandated health insurance services evaluation on revisions to the current mandated coverage for in vitro fertilization (IVF) services (§15-810), as proposed under **HB 142 – Health Insurance – Coverage of In Vitro Fertilization – Revisions**, a bill that was introduced but failed to pass during the 2022 legislative session.

The Commission contracted with Lewis & Ellis, an actuarial consulting firm, to conduct the fiscal, medical, and social impact of this proposed mandate. As part of the evaluation process, Lewis & Ellis, Commission staff, and an MHCC Commissioner with extensive subject matter expertise met with industry stakeholders and a provider group from Shady Grove Fertility Center, also a member of the Maryland Chapter of the American College of Obstetricians and Gynecologists (ACOG). Those group discussions provided valuable insight and information that Lewis & Ellis utilized in their analysis. Lewis & Ellis also used survey data results from some major commercial carriers in Maryland and data from Maryland's medical care data base to prepare this report.

Contingent upon approving the report for submission to the General Assembly, the Commission notes the following policy concerns:

- The language in the proposed 2022 bill would create a very broad set of eligibility requirements that do not leave much room for denial, which could raise costs for all

- insureds, especially those who are low income, but benefit a very small percentage (approximately 2%) of the insured population.
- The removal for a religious exemption from the current mandate may cause a social concern that could compromise the success of future IVF legislation.

Finally, the Commission strongly urges the Legislature to proceed with caution when considering the adoption of additional mandated health insurance services given their cumulative deleterious impact on affordability over time despite a minimal impact on premiums of any single mandate at the time of adoption.

Please do not hesitate to contact me at 410-764-3565, if you have any questions.

Sincerely,



Ben Steffen  
Executive Director

cc: The Honorable Delores G. Kelley, Chair, Senate Finance Committee  
The Honorable Joseline A. Pena-Melnyk, Chair, Health and Government Operations Committee  
Delegate Marlon Amprey, Member, Environment and Transportation Committee  
Patrick Carlson, Committee Staff, Senate Finance Committee  
Lisa Simpson, Committee Staff, Health and Government Operations Committee  
Sarah Albert, Department of Legislative Services (5 copies)

Enclosure

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