

(4) (I) THE PATIENT AND THE PATIENT'S SPOUSE HAVE A HISTORY OF INFERTILITY OF AT LEAST 5 YEARS' DURATION; OR

(II) THE INFERTILITY IS ASSOCIATED WITH 1 OR MORE OF THE FOLLOWING MEDICAL CONDITIONS:

1. ENDOMETRIOSIS;

2. EXPOSURE IN UTERO TO DIETHYLSTILBESTROL, COMMONLY KNOWN AS DES; OR

3. BLOCKAGE OF, OR SURGICAL REMOVAL OF, 1 OR BOTH FALLOPIAN TUBES (LATERAL OR BILATERAL SALPINGECTOMY);

(5) THE PATIENT HAS BEEN UNABLE TO ATTAIN A SUCCESSFUL PREGNANCY THROUGH ANY LESS COSTLY APPLICABLE INFERTILITY TREATMENTS FOR WHICH COVERAGE IS AVAILABLE UNDER THE CONTRACT OR CERTIFICATION; AND

(6) THE IN VITRO FERTILIZATION PROCEDURES ARE PERFORMED AT MEDICAL FACILITIES THAT CONFORM TO THE AMERICAN COLLEGE OF OBSTETRIC AND GYNECOLOGY GUIDELINES FOR IN VITRO FERTILIZATION CLINICS OR TO THE AMERICAN FERTILITY SOCIETY MINIMAL STANDARDS FOR PROGRAMS OF IN VITRO FERTILIZATION.

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EACH HOSPITAL OR MAJOR MEDICAL INSURANCE POLICY WRITTEN ON AN EXPENSE INCURRED BASIS, WHICH IS DELIVERED OR ISSUED FOR DELIVERY IN THE STATE, SHALL INCLUDE BENEFITS FOR INPATIENT OR OUTPATIENT EXPENSES ARISING FROM IN VITRO FERTILIZATION PROCEDURES PERFORMED ON THE POLICYHOLDER OR THE POLICYHOLDER'S DEPENDENT SPOUSE.

EVERY INDIVIDUAL POLICY OF HOSPITAL OR MEDICAL INSURANCE DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE ON AN EXPENSE INCURRED BASIS UNDER WHICH MATERNITY BENEFITS ARE PROVIDED FOR EXPENSES ARISING FROM PREGNANCY AND CHILDBIRTH SHALL PROVIDE BENEFITS FOR EXPENSES ARISING FROM IN VITRO FERTILIZATION PROCEDURES PERFORMED ON:

(1) THE POLICYHOLDER, OR

(2) THE DEPENDENT SPOUSE OF THE POLICYHOLDER IF THE POLICY OTHERWISE COVERS THE DEPENDENT SPOUSE.

EACH HOSPITAL OR MAJOR MEDICAL INSURANCE POLICY WRITTEN ON AN EXPENSE INCURRED BASIS, WHICH IS DELIVERED OR ISSUED FOR DELIVERY IN THE STATE, AND WHICH PROVIDES PREGNANCY-RELATED BENEFITS, MAY NOT EXCLUDE BENEFITS FOR ALL OUTPATIENT EXPENSES ARISING FROM IN VITRO FERTILIZATION PROCEDURES PERFORMED ON THE POLICYHOLDER OR THE POLICYHOLDER'S DEPENDENT SPOUSE, PROVIDED THAT:

(1) BENEFITS UNDER THIS SECTION SHALL BE PROVIDED TO