

(I) FOR INSURERS AND NONPROFIT HEALTH SERVICE PLANS, to the same extent as the benefits provided for other pregnancy-related ~~procedures~~ PROCEDURES; AND

(II) FOR HEALTH MAINTENANCE ORGANIZATIONS, TO THE SAME EXTENT AS THE BENEFITS PROVIDED FOR OTHER INFERTILITY SERVICES.

(c) Subsection (b) of this section applies if:

(1) the patient is the ~~policyholder, subscriber, or certificate holder,~~ POLICYHOLDER OR SUBSCRIBER or a covered dependent of the ~~policyholder, subscriber, or certificate holder~~ POLICYHOLDER OR SUBSCRIBER;

~~[(2) the patient's oocytes are fertilized with the patient's spouse's sperm;]~~

~~[(3)](2)~~ (i) the patient ~~[and the patient's spouse have]~~ HAS a history of infertility of at least ~~5~~ 2 years' duration; or

(ii) the infertility is associated with any 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, one or both fallopian tubes (lateral or bilateral salpingectomy); OR

4. ABNORMAL MALE FACTOR, INCLUDING OLIGOSPERMIA, CONTRIBUTING TO THE INFERTILITY;

~~[(4)](3)~~ the patient has been unable to attain a successful pregnancy through a less costly infertility treatment for which coverage is available under the ~~policy, contract, or certificate~~ POLICY OR CONTRACT; and

~~[(5)](4)~~ the in vitro fertilization procedures are performed at medical facilities that conform to the American College of Obstetricians and Gynecologists guidelines for in vitro fertilization clinics or to the American Fertility Society minimal standards for programs of in vitro fertilization.

(D) AN ENTITY SUBJECT TO THIS SECTION MAY LIMIT COVERAGE OF THE BENEFITS REQUIRED UNDER THIS SECTION TO THREE IN VITRO FERTILIZATION ATTEMPTS PER LIVE BIRTH, NOT TO EXCEED A MAXIMUM LIFETIME BENEFIT OF \$100,000.

(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF THE COVERAGE REQUIRED UNDER THIS SECTION CONFLICTS WITH THE BONA FIDE RELIGIOUS BELIEFS AND PRACTICES OF A RELIGIOUS ORGANIZATION, ON REQUEST OF THE RELIGIOUS ORGANIZATION, AN ENTITY SUBJECT TO THIS SECTION SHALL EXCLUDE THE COVERAGE OTHERWISE REQUIRED UNDER THIS SECTION IN A POLICY OR CONTRACT WITH THE RELIGIOUS ORGANIZATION.