Medical Coverage Policy

Infertility Diagnosis and Treatment Mandate

☐ Device/Equipment ☐ Drug ☒ Medical ☐ Surgery ☐ Test ☐ Other

Effective Date: 7/6/2007  Policy Last Updated: 10/22/2012

☐ Prospective review is recommended/required. Please check the member agreement for preauthorization guidelines.

☒ Prospective review is not required.

NOTE: Rhode Island mandated benefits generally do not apply to Plan 65, FEHBP, Medicare Advantage, and Rite Care plans.

Description:
The State of Rhode Island mandates coverage for the diagnosis and treatment of infertility.

This is an administrative policy to document Rhode Island General Laws (RIGL) 27-20-20 Coverage for infertility.

(a) Any nonprofit medical service contract, plan, or insurance policies delivered, issued for delivery, or renewed in this state, except contracts providing supplemental coverage to Medicare or other governmental programs, which includes pregnancy related benefits shall provide coverage for the medically necessary expenses of diagnosis and treatment of infertility for women between the ages of twenty-five (25) and forty-two (42) years. To the extent that a nonprofit medical service corporation provides reimbursement for a test or procedure used in the diagnosis or treatment of conditions other than infertility, those tests and procedures shall not be excluded from reimbursement when provided attendant to the diagnosis and treatment of infertility for women between the ages of twenty-five (25) and forty-two (42) years. Provided, that subscriber copayment, not to exceed twenty percent (20%), may be required for those programs and/or procedures the sole purpose of which is the treatment of infertility.
(b) For the purposes of this section, “infertility” means the condition of an otherwise presumably healthy married individual who is unable to conceive or sustain a pregnancy during a period of one year.
(c) The health insurance contract may limit coverage to a lifetime cap of one hundred thousand dollars ($100,000).

Note: BCBSRI infertility benefits may be more generous than what is stated in the mandate. Benefits may vary between groups and contracts

The policy information documented beyond the above mandate language statement generally addresses the coverage issues for the treatment of infertility only. Diagnosis of infertility is not specifically addressed as it encompasses an innumerable array of tests and procedures.

Definition of infertility:

Infertility is the condition of a presumably healthy individual who is unable to conceive or produce conception during a period of one year for members.
For the purpose of this policy infertility is defined as:

1) For women who have miscarried; infertility is the attempted time to conceive or produce conception during a period of one year.

2) For women with a male partner; infertility is the inability to conceive after one year of unprotected intercourse with exposure to sperm.

3) For women without a male partner; infertility is the inability to conceive after 6 intrauterine insemination (IUI) cycles performed by a qualified specialist using normal quality donor sperm. Note these 6 cycles of IUI with donor sperm are not a covered benefit as a diagnosis of infertility is not established until the cycles are completed.

Medical Criteria:
Not applicable, this is a reimbursement policy only.

Policy:
Infertility services are covered for BlueCHiP for Medicare.

Infertility services are covered for all BCBSRI products when all of the following conditions are met:
- Married, (which includes valid common law marriage), according to the statutes of the state in which the couple was married and
- Unable to conceive or sustain a pregnancy during a one (1) year period; and
- A presumably healthy individual without a history of past sterilization (or reversal) or an individual whose postmenopausal state is the cause of infertility.

Coverage:
BCBSRI infertility benefits may be more generous than what is stated in the mandate.

Benefits may vary between groups and contracts. Please refer to the appropriate Evidence of Coverage, Subscriber Agreement for the applicable infertility services, surgery services, pharmacy, specialty pharmacy, diagnostic imaging, lab, and machine tests benefits/coverage.

Specialty Drug Contract
Contracts with specialty drug coverage please refer to the member agreement for benefits and preauthorization guidelines.

BlueCHIP for Medicare
The state mandate does not apply to the BlueCHIP for Medicare product. Medicare mandated benefits do apply. Medicare (CMS) defines infertility as “a condition sufficiently at variance with the usual state of health to make it appropriate for a person who normally is expected to be fertile to seek medical consultation and treatment” and “covers reasonable and necessary services associated with treatment for infertility.”

Self-funded Groups
Self funded groups may choose to follow the mandate. Please refer to the member agreement for benefits coverage.

BlueCHIP Members residing in Massachusetts
Refer to the BCBSRI medical policy: Massachusetts Mandates for BlueCHIP Members Residing in Massachusetts for information on infertility services.

Donor Related Services
The donor stipend for infertility services is the member’s responsibility. We cover donor gametes if obtained through a program (such as, infertility clinics, fertility centers, hospitals or labs) with global
fee reimbursement. If provision of gametes is from a directed donor, a separate reimbursement is associated with this provision, based on the CPT code filed. Donor medications used solely for in vitro fertilization are covered under the embryo recipient's pharmacy benefit, by way of manual adjustment with receipts from the donor.

Non-covered Services
BCBSRI does NOT cover freezing and storage of blood, gametes, sperm, embryos, or other tissues for future use.

Contract Exclusions
- Reversal of voluntary sterilization (See definition below);
- Infertility treatment for an individual that previously had a voluntary sterilization procedure;
- Women who meet the definition of normal menopause (See definition below);
- Surrogate parenting.

Definitions
Previous sterilization:
There is a contract exclusion for infertility services provided to a person who previously had a sterilization procedure. If one spouse has had a sterilization procedure, it is presumed that the other spouse is not considered infertile. This is the basis for a contractual exclusion of infertility services. In such a case, it is presumed that the sterilization procedure is the cause of the inability to conceive or sustain a pregnancy, whether or not there has been a procedure to reverse the sterilization. The sterilization procedure will also be presumed to be the cause of the inability to conceive or sustain a pregnancy in cases where the individual seeking infertility services also has a disorder that is felt to cause such inability to conceive or sustain a pregnancy.

Normal menopause:
BCBSRI considers normal menopause to be exclusionary. We consider amenorrhea and an elevated follicle stimulating hormone (FSH) after age 42 to be equivalent to normal menopause. Menopause occurring prior to age 42 is not considered normal menopause, as defined in this policy.

Exception:
- Only in cases where there is medical certainty that a prior sterilization procedure is in no manner related to the present inability to conceive or sustain pregnancy will it be determined that the contractual exclusion is not applicable.

- Clinician review required:
  Requests for infertility services for a married individual who has undergone a previous sterilization procedure or whose partner has undergone a previous sterilization procedure will undergo review by a clinician.

- A determination that the contractual exclusion does apply, (i.e., that inability may be related to a previous sterilization procedure) is an administrative denial even though it is based upon clinician review. Such denials are not medical necessity determinations.

Coding and Reimbursement:
- The following CPT Codes are covered under the member's infertility benefits:
  55870
  58321
  58322
  58323
  58350
  58970
  58974
  58976
NOTE: BCBSRI participating facilities primarily use “S” codes when reporting infertility/in vitro fertilization services.

- The following HCPCS infertility/in vitro fertilization services codes are covered for commercial products.
  S3655 Antisperm antibodies test (immunobead)
  S4011 In vitro fertilization; including but not limited to identification and incubation of mature oocytes, fertilization with sperm, incubation of embryo(s), and subsequent visualization for determination of development
  S4013 Complete cycle, gamete intrafallopian transfer (GIFT), case rate
  S4014 Complete cycle, zygote intrafallopian transfer (ZIFT), case rate
  S4015 Complete in vitro fertilization cycle, not otherwise specified, case rate
  S4016 Frozen in vitro fertilization cycle, case rate
  S4020 In vitro fertilization procedure cancelled before aspiration, case rate
  S4021 In vitro fertilization procedure cancelled after aspiration, case rate
  S4022 Assisted oocyte fertilization, case rate
  S4025 Donor services for in vitro fertilization (sperm or embryo), case rate
  S4026 Procurement of donor sperm from sperm bank
  S4028 Microsurgical epididymal sperm aspiration (MESA)
  S4030 Sperm procurement and cryopreservation services; initial visit
  S4031 Sperm procurement and cryopreservation services; subsequent visit
  S4035 Stimulated intrauterine insemination (IUI), case rate

- The following infertility codes for tests and procedures are not covered for BlueChip for Medicare; and not separately reimbursed for all other BCBSRI products:
  89255
  89268
  89272
  99070
  99071
  99078
  S4017 Incomplete cycle, treatment cancelled prior to stimulation, case rate
  S4018 Frozen embryo transfer procedure cancelled before transfer, case rate
  S4023 Donor egg cycle, incomplete, case rate
  S4042 Management of ovulation induction (interpretation of diagnostic tests and studies, non-face-to-face medical management of the patient), per cycle

- Providers filing for sperm evaluation, hyaluronan binding assay should file the following CPT Category I unlisted code:
  89398

- The following codes for tests and procedures are contract exclusions and are non-covered for all BCBSRI products:
The following infertility services may also be used for the diagnostic evaluation of infertility and are covered. Therefore these services are not considered part of the infertility benefit but are covered under the member’s surgery or diagnostic testing benefit.

NOTE: Since there is no applicable CPT code for TESE (testicular sperm extraction) or TESA (testicular sperm aspiration), claims will be submitted with an unlisted code and the claim will follow the standard unlisted procedure format. The claim will suspend for verification with clinical documentation that one of the procedures was performed, and an established allowable will be applied for adjudication.

Related Topics:
Massachusetts Mandates for BlueCHiP Members Residing in Massachusetts

Published:
Professionals’ Bulletin, November 1989
News* News* News, August 30, 1991
Policy Update, August 1997
Policy Update, April 1998
Policy Update, April 2001
Policy Update, August 2005
Policy Update, August 2006
Policy Update, April 2007
Policy Update, October 2007
References:
Rhode Island General Law (RIGL) 27-20-20: Coverage for Infertility.  
http://www.rilin.state.ri.us/Statutes/TITLE27/27-20/27-20-20.HTM


This medical policy is made available to you for informational purposes only. It is not a guarantee of payment or a substitute for your medical judgment in the treatment of your patients. Benefits and eligibility are determined by the member's subscriber agreement or member certificate and/or the employer agreement, and those documents will supersede the provisions of this medical policy. For information on member-specific benefits, call the provider call center. If you provide services to a member which are determined to not be medically necessary (or in some cases medically necessary services which are non-covered benefits), you may not charge the member for the services unless you have informed the member and they have agreed in writing in advance to continue with the treatment at their own expense. Please refer to your participation agreement(s) for the applicable provisions. This policy is current at the time of publication; however, medical practices, technology, and knowledge are constantly changing. BCBSRI reserves the right to review and revise this policy for any reason and at any time, with or without notice.