



New Life Agency / Webvertorial

Safe and Secure Surrogacy Insurance: Is it even possible?

In a perfect world surrogates, choosing to help the tens of thousands of people suffering from infertility and Gay couples who choose surrogacy over adoption, would know that their pregnancy would be covered by their health insurance. Surrogacy is, after all, a woman choosing to give birth. Yet the establishment of “Essential Health Benefits” package as outlined in the Affordable Care Act does not provide for universal insurance coverage for a surrogate pregnancy and most definitely not for the newborn care of a surrogate. Starting in 2014, essential health benefits such as pregnancy and newborn care, will be covered in all new individual, small business and exchange plans; however, NOT for a surrogate.

Dealing with denials and ambiguous loophole insurance writing

When the first “test tube” baby was born in 1978, so was a new medical specialty allowing the existence of surrogacy. Unlike diseases that require treatment in order to maintain quality of life, or life itself, some argue that in vitro fertilization (IVF) and the accommodation of a surrogate is not a medical necessity; no one “needs” to have a child in order to live, right? Traditional medical insurance continues to deny surrogate insurance claims and issue confusing surrogate exclusions and benefit writing, or worse no writing at all. Yet more and more people are accessing surrogacy through IVF to build their family:

- California Department of Insurance INDIVIDUAL HEALTH INSURANCE UNDERWRITING/AB 356 states that the condition of pregnancy, pregnancy of your spouse or significant other; planned surrogacy or adoption in process will be automatically declined.
- Negative news stories against Major Medical Health Insurance (MMHI) have been in the public eye highlighting denials of coverage for surrogacy and the ensuing legal battles. In addition, the Internet is rife with misinformation and diatribe regarding the lack of health insurance coverage for surrogate pregnancy. Public sentiment naturally falls on the side of surrogate and increasingly, courts will hopefully mandate surrogate coverage. However we have seen the opposite when a Michigan surrogate was denied \$42,000 after her final appeal.

- Surrogate pregnancies are the result of a contract between intended parents and surrogates- a financial transaction where there is compensation for risk.
- Surrogacy contracts are third party agreements between contracting parties, which does not meet the standard definition or intent of insurance coverage.
- Because surrogacy pregnancies always require IVF procedures, they are inherently higher risk pregnancies resulting in an average of 30% more cost than a pregnancy not requiring IVF.
- In 1996, surrogates were included in 64,681 IVF procedures reported to the CDC. In 2009, there were 146,244 – an increase of over 226%.
- In 2009, surrogates were included in 106,060 live-birth deliveries and infants born in the U.S. were a result of assisted reproductive technologies (ART), such as IVF.

So, why don't insurance companies cover surrogate pregnancy? The truth is, if an insurance company is "for profit" they need to be profitable in order to survive. They have a responsibility to their shareholders. Those profits are determined by the difference between what they collect in premiums and what they pay out in claims – taking into account sales, marketing, underwriting and administrative costs. Some insurance companies view surrogate or IVF pregnancy as a "high-risk" benefit or a surrogate pregnancy as an elective benefit or a third-party claim where a surrogate benefits from the insurance companies loss. Given the fact that many insurance companies do not see surrogate pregnancy as a medical necessity, it is easy for them to make the case not to cover.

So it's really no surprise that, outside of the limited traditional insurers and a few group plans, traditional medical insurers have decidedly avoided offering clear writing or even any writing that is specific surrogate maternity and delivery coverage.

So what are your options if your health insurance does not cover a surrogate pregnancy? Fortunately, there are a variety of alternatives and some actions you can follow to take control and safely secure Surrogate Maternity Care coverage providing peace of mind for both surrogates and intended parents alike.

- You might be able to get in writing from your employers group insurance or your individual insurance on letterhead or email a statement confirming,

“surrogate maternity and delivery benefits are covered benefits”. If they will not do this for you-Beware.

- You might be able to get Surrogate and Maternity Care insurance added on to your employer’s group insurance plan. Your employer (your insurance company’s customer) makes the decision on whether or not your insurer offers Surrogate and Maternity Care insurance. Request your Human Resources Department to ask your group’s insurer about adding this coverage to your plan as an insurance rider.
- Request your Human Resources Department to offer Surrogate and Maternity Care insurance as a Voluntary Benefit. Your employer may pay for Voluntary Benefits or you (the surrogate or the intended parent) as the employee may pay out of pocket on your own for the Voluntary Benefit.
- Surrogate and Maternity Care insurance can be offered through a supplemental insurance program filling the gap of traditional insurance coverage. Anyone can apply for supplemental insurance regardless of your employer or insurance plan. To find out about plans that might work for you, search Assisted Reproduction Insurance or IVF insurance on the Internet.
- Talk to your surrogate agency professional, fertility doctor, nurse, or the clinic staff about Surrogate and Maternity Care insurance programs that might be offered through the clinic or independently. Your agency professional and IVF doctor is there to help you and it’s important that they are aware of your concerns for safe and secure Surrogate and Maternity Care insurance and that you are open about protecting your (the surrogate and intended parent) financial liability if you use your traditional insurance or personal policy.

What IS ESSENTIAL for safe and secure surrogacy insurance is a Solution

For those of us facing the inability to give birth to a child on our own, the dream of building a family is “essential.” Ask anyone with a happy, healthy family if their children are “essential” to their life. *Surrogate Mothers Online* is creating awareness – and action – that will give Surrogates, helping people with the inability to give birth on their own, the insurance coverage that will make their gift of giving an affordable, safe and secure reality. Until such time, the surrogate community needs as many options as possible. The good news is that there are viable solutions already in place for surrogates and intended parents, solutions that provide hope. And that *is* essential.