



Colorado Division of Insurance

NEWS RELEASE

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Health Insurance Carriers Must Include Maternity Coverage

As of January 1, 2011, individual health insurance policies in Colorado must include maternity coverage, regardless of gender or age, on both newly issued and renewing major medical policies after that date. A new bulletin issued today by the Colorado Division of Insurance clarifies this interpretation of the mandated coverage.

The mandatory coverage is detailed in HB10-1021, passed into law last year, which requires that all individual policies issued in the state include maternity coverage.

In December, the Division of Insurance issued a bulletin stating that the mandatory coverage was required on new major medical policies issued after Jan. 1, 2011, but did not apply to renewals of existing major medical policies. However, additional statutory review determined that the coverage is required on both new and renewing individual policies. A new insurance bulletin (Bulletin B-4.37) was issued on March 15, 2011, which clarifies the Division's interpretation of the mandated coverage.

Some companies added the maternity coverage for both new and renewal individual policies and increased premiums to reflect that coverage at the start of this year.

But, if individual health insurance is provided through a carrier that did not include maternity coverage as a factor in the premium rates filed for 2011, the current premium may be affected. For policies which have renewed since January 1, 2011, consumers may be billed retroactively for the additional coverage for the months in 2011 for which they were covered by an individual policy.

The key elements of the law include:

- Insurance companies must provide maternity coverage on all newly issued and renewing major medical individual insurance policies in Colorado as of January 1, 2011, regardless of the policyholder's gender or age. If a consumer currently has individual health insurance, but the policy renewal date isn't until later in the year, both the maternity coverage and the increased premium will begin on the renewal date.
- Insurance companies that did not add maternity coverage to policies and did not adjust premium rates for required maternity coverage may elect to bill customers retroactively for the

maternity coverage beginning January 1, 2011. Alternatively, the insurance company could provide the required maternity coverage beginning January 1, 2011 and absorb the additional cost by electing to not increase the consumer's monthly premium until the renewal date of the consumer's policy.

- Insurance companies that did not file premium rates with the Division of Insurance which included the mandated maternity coverage must file those rates for prior approval before additional premium may be charged. The Division of Insurance must approve the new rate before the new rate can be used.
- As of January 1, individuals, who are pregnant prior to purchasing insurance or prior to their policy's renewal date, should expect that the pregnancy will be considered a preexisting condition and will not be covered by the mandate. Pregnancies which occur after insurance coverage has been secured or renewed will be covered.

Both state and federal law can mandate, or require, coverage, including specific conditions and preventive care. Along with other factors, insurance companies consider the costs of mandated coverage when submitting premium rate filings to the Division of Insurance for approval.

The following links provide additional information.

Direct link to [bulletin B-4.37](#)

http://www.dora.state.co.us/insurance/regs/B-4%2037%20_03152011.pdf

Link to [Division of Insurance Bulletins page](#) (all bulletins):

<http://www.dora.state.co.us/insurance/regs/bulletin.htm>

Link to law: [10-16-104. Mandatory coverage provisions - definitions.](#)

<http://www.dora.state.co.us/insurance/legi/2011/legiCRSonMaternity031111.pdf>

Link to Frequently Asked Questions on Mandatory Maternity Coverage

<http://www.dora.state.co.us/insurance/legi/2011/legiMaternityFAQ031511.pdf>

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Consumer protection is our mission.