

104TH CONGRESS
1ST SESSION

H. R. 1955

To amend title I of the Employee Retirement Income Security Act of 1974 to provide for certain minimum requirements for group health plans with respect to obstetrical benefits.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 1995

Mr. DEFAZIO (for himself, Mr. MILLER of California, Mr. SANDERS, Mr. WAXMAN, Mr. McDERMOTT, Mr. DELLUMS, Mr. OWENS, Ms. NORTON, Ms. PELOSI, Mr. STARK, Mr. FRAZER, Mr. BORSKI, Mr. SERRANO, Mr. MATSUI, Mr. OBERSTAR, Mr. TORRICELLI, Mr. DURBIN, Mr. LIPINSKI, Mr. EVANS, Mr. ABERCROMBIE, Ms. SLAUGHTER, Ms. WOOLSEY, and Ms. FURSE) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

A BILL

To amend title I of the Employee Retirement Income Security Act of 1974 to provide for certain minimum requirements for group health plans with respect to obstetrical benefits.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mother-Infant Health
5 Protection Act of 1995”.

1 **SEC. 2. GROUP HEALTH PLAN REQUIREMENT.**

2 Section 609 of the Employee Retirement Income Se-
3 curity Act of 1974 (29 U.S.C. 1169) is amended—

4 (1) by redesignating subsection (e) as sub-
5 section (f); and

6 (2) by inserting after subsection (d) the follow-
7 ing new subsection:

8 “(e) REQUIREMENTS RELATING TO OBSTETRICAL
9 BENEFITS.—

10 “(1) IN GENERAL.—A group health plan which
11 provides obstetrical benefits shall provide coverage
12 for at least—

13 “(A) 48 hours of inpatient care following a
14 vaginal delivery, and

15 “(B) 96 hours of inpatient care following
16 a delivery by caesarean section,
17 for the mother and her newborn child in a licensed
18 hospital.

19 “(2) EXCEPTION IF CERTAIN POST-DELIVERY
20 CARE IS PROVIDED.—

21 “(A) IN GENERAL.—Paragraph (1) shall
22 not apply if the plan provides coverage for post-
23 delivery care which satisfies subparagraph (B).

24 “(B) REQUIREMENTS.—In order to satisfy
25 this subparagraph, under the terms of the plan
26 providing for coverage for post-delivery care—

1 “(i) Discharge of the mother and new-
2 born child may not be required unless they
3 meet the medical criteria for discharge as
4 enumerated in the Guidelines for Perinatal
5 Care, as last issued before January 1,
6 1996 (or such later date as may be pro-
7 vided in regulations of the Secretary), by
8 the American Academy of Pediatrics and
9 the American College of Obstetricians and
10 Gynecologists.

11 “(ii) Discharge of the newborn child
12 may not be required before opportunity for
13 appropriate screenings, including PKU,
14 has been provided. If the screening for
15 PKU is done prior to 24 hours after birth,
16 the plan must provide opportunity for a
17 second home visit for PKU screening with-
18 in two days after discharge.

19 “(iii) Discharge must not be before 24
20 hours of milk feeding.

21 “(iv) The mother and newborn child
22 must be allowed at least one overnight
23 stay.

24 “(v) Appropriate management of the
25 mother and newborn child must be estab-

1 lished in advance of discharge, including
2 home visits by qualified health profes-
3 sionals, office visits, hospital stay, or any
4 combination thereof, including a home visit
5 with 24 hours after discharge.

6 “(vi) Discharge of the mother or new-
7 born child may not be required without a
8 link to a continuing care provider.”.

9 **SEC. 3. EFFECTIVE DATE.**

10 The amendment made by section 2 shall apply with
11 respect to plan years beginning at least 6 months after
12 the date of the enactment of this Act.

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