

What if My Insurance Company Denies Coverage Because of a Pre-existing Condition?

Indiana follows the federal mandate, [detailed within the federal HIPAA guidelines](#), on pregnancy which states pregnancy cannot be considered a pre-existing condition even if there was no previous health coverage. It **does not** require insurers of either individual or group health plans to provide coverage for pregnancy, rather it states that if they do provide maternity benefits then pregnancy cannot be considered a pre-existing condition. Indiana's language for individual health plans found under in [Indiana Code 27-8-5-2.5\(b\)\(3\)](#) states:

- (c) An individual policy of accident and sickness insurance or a certificate described in subsection (b) may not define a preexisting condition, a rider, or an endorsement more restrictively than as:
 - (3) a pregnancy existing on the effective date of the plan.

Indiana also addresses the issue under the group health portion, through section IC 27-8-5-25(c) stating:

Maternity benefits; replacement of discontinued policy; prohibition on preexisting condition limitation or exclusion of coverage

Sec. 25. (a) As used in this section, "employer" means employer who offers health insurance to the employer's employees.

(b) As used in this section, "insurer" means an insurer subject to IC 27.

(c) When an employer that has a group policy issued by an insurer that contains maternity benefits:

- (1) discontinues the group health policy provided by the insurer; and
- (2) replaces the discontinued policy with coverage through a succeeding insurer; the succeeding insurer's policy may not contain a preexisting condition limitation for maternity or exclude coverage due to pregnancy for employees or spouses of employees who were covered under the prior policy on the date the prior plan was discontinued.

There is a federal requirement for employers with 15 or more employees to provide maternity benefits; however, it is not addressed in the Indiana Code, Title 27 which regulates the insurance industry in this state. This federal requirement is part of the 1964 Civil Rights Act.

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