

STATUTES ON CONGENITAL ANOMALIES BY STATES

We are grateful to volunteer Marci Barbey for compiling this report. It is intended to serve as a guide for families affected by ectodermal dysplasias so you can learn if your state has any statutes regarding congenital anomalies. This information should be a helpful place to begin as you work for insurance coverage of your dental care. We encourage you to do your own research as well and read the statutes thoroughly.

Pro Tip: When you access a digital copy of your insurance policy use Ctrl F to search for congenital anomalies in the inclusion and/or exclusion criteria sections of your policy. Also, search the words birth defects, congenital disorders, or congenital malformations.

Notes from Marci Barbey

The link below was extremely helpful in trying to locate information on statutes regarding congenital anomalies, particularly pages 7-11 (all up-to-date as of July 2014).

It is important to know, not all states have adopted the Newborn and Adopted Children Coverage Model Act, which includes legislation on coverage for congenital anomalies. Some states have instead adopted older versions of the 2014 Model Regulation. Several states have not adopted.

<http://www.naic.org/store/free/MDL-155.pdf>

Also, for many of the states, I was able to find the law very quickly on the state's actual website. However, for the remainder, the only links I could find were on outside websites like "Justia US Law" or "Lexis Nexus".

ALABAMA

If you click on the first link below, it will take you to the Alabama Dept. of Insurance page for Title 27 -Alabama Insurance Code. Then scroll down to Chapter 19 - Disability Insurance Policies and click on that you will be taken to the General Provisions page. Click on 27-19-38 and that will bring you to the pertinent clause about congenital anomalies (which is also the 2nd link below).

<http://www.aldoi.gov/Legal/Title27.aspx>

Section 27-19-38

<http://alisondb.legislature.state.al.us/alison/>

CodeOfAlabama/1975/27-19-38.htm

However, I also found their State Employee's Health Insurance Plan and it specifically EXCLUDES any dental treatment due to birth defects. (See page 48-49 of policy document).

And I found this: "In Alabama, the individual health insurance market is largely unregulated. State law does not require guaranteed issued coverage for any kind of individual health insurance plan."

This link below is for a policy dated 2012. I found other documents, but they also were dated 2012. (Even though if you go to the second link below, it states it's the most recent for Alabama, but when you open the document, it's dated 2012).

<http://www.alseib.org/PDF/SEHIP/SEHIPHandbook2012.pdf>

<https://www.cms.gov/ccio/resources/data-resources/ehb.html#Alabama>

ALASKA

Section AS 21.42.345 (b)

<https://law.justia.com/codes/alaska/1995/title-21/chapter-21-42/sec-21-42-345/>

ARIZONA

Section 20-1342
(Individual policies)



<http://www.azleg.gov/search/oop/qfullhit.asp?CiWebHitsFile=/ars/20/01342.htm&CiRestriction=20-1342>

Section 20-1402 (Group policies)

<http://www.azleg.gov/search/oop/qfullhit.asp?CiWebHitsFile=/ars/20/01402.htm&CiRestriction=20-1402>

Section 20-826 (Service Corps policies)

<http://www.azleg.gov/search/oop/qfullhit.asp?CiWebHitsFile=/ars/20/00826.htm&CiRestriction=20-826>

ARKANSAS

Section 23-79-129 (2A)

<https://law.justia.com/codes/arkansas/2010/title-23/subtitle-3/chapter-79/subchapter-1/23-79-129/>

CALIFORNIA

Section 10123.88

http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=INS&division=2.&title=&part=2.&chapter=1.&article=1

http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0601-0650/sb_630_bill_20091011_chaptered.html

COLORADO

Section 10-16-104

<http://codes.findlaw.com/co/title-10-insurance/co-rev-st-sect-10-16-104.html>

<https://www.colorado.gov/pacific/sites/default/files/Mandated%20Health%20Insurance%20Benefits.pdf>

I'm not sure Colorado's law benefits people with ectodermal dysplasia. It seems to cover only congenital anomalies for the first 31 days, except for cleft lip/palate for which there is no time limit.

The 2nd link is to a document from 2011 that list mandated benefits and it says it will cover other congenital anomalies but only to age six. (This document may not open properly. You may have to increase the viewing size to 200% in order to read it.)

CONNECTICUT

Section 38a-490 (c) (for individual policies)

Section 38a-491 and 491a (also for individual policies)

Section 38a-516 (c) and 38a-517 (for group policies)

Section 38a-513c for definition of "Medically Necessary"

<https://law.justia.com/codes/connecticut/2012/title-38a/chapter-700c/section-38a-490>

When you click on the above link, you can scroll to all the other statutes listed above. They are in numerical order.

Section 38a-490c and 516c that they will cover orthodontic procedures and appliances for craniofacial disorders for individuals 18 years of age or under. So, does that mean they won't cover it if you are over 18?

DELAWARE

Section 3336

If you google Delaware code 3336, you get something about their Criminal Code. But if you go to the link below, it takes you to the congenital anomaly section, so I find their coding system to be somewhat confusing.

<http://delcode.delaware.gov/sessionlaws/ga127/chp529.shtml>

FLORIDA

Section 627.641 (Individual policies)

<https://www.flsenate.gov/Laws/Statutes/2011/627.641>

Statutes/2011/627.641

This seems to only cover for the 1st 18 months?

Section 627.6575 (Group, blanket or franchise policies)

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0600-0699/0627/Sections/0627.6575.html

This also seems to only cover for the 1st 18 months???

Section 641.31 (HMO's)

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0600-0699/0641/Sections/0641.31.html

GEORGIA

Section 33-24-22

<http://www.lexisnexis.com/hottopics/gacode/Default.asp>

HAWAII

Section 431:10A-115 (Individual)

Section 431:10A-206 (Group)

Section 432:1-602 (Mutual benefit societies)

I could not find any laws on Hawaii's site, only through this Justia site. I don't know if they are

up-to-date:

<http://law.justia.com/codes/hawaii/2013/title-24/chapter-431/section-431-10a-115>

<http://law.justia.com/codes/hawaii/2013/title-24/chapter-431/section-431-10a-206>

<http://law.justia.com/codes/hawaii/2013/title-24/chapter-432/section-432-1-602>

What I did find on Hawaii.gov site is the below link but it only lists the titles & numbers of all the laws without letting you click on each to see what they say. If you scroll down to 431:10a-115 you'll see that the law address Coverage of Newborn Children, but doesn't tell you what it says.

http://www.capitol.hawaii.gov/hrscurrent/Vol09_Ch0431-0435H/HRS0431/HRS_0431-.htm

IDAHO

Section 41-4123 (Self-funded healthcare plans)

<https://legislature.idaho.gov/statutesrules/idstat/title41/t41ch41/sect41-4123/>

Section 41-2140 (individual disability insurance)

<https://legislature.idaho.gov/statutesrules/idstat/title41/t41ch21/sect41-2140/>

Section 41-2210 (group and blanket disability insurance)

<https://legislature.idaho.gov/statutesrules/idstat/Title41/T41CH22/SECT41-2210/>

I found this link helpful as well. See specifically page three, item # 02 "Health Plan." This cites all the sections above, so I guess health plans are bound by the same language as the above policies.

<https://adminrules.idaho.gov/rules/2007/18/0106.pdf>

ILLINOIS

Section 215 ILCS 5/356c (2) (Accident & Health Insurance policies)

<http://www.ilga.gov/legislation/ilcs/ilcs4.asp?ActID=1249&ChapterID=22&SeqStart=94000000&SeqEnd=106400000>

Section 215 ILCS 165/15.3 (2) (Health Services Plan Corporation policies)

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1276&ChapterID=22>

INDIANA

Section 27-8-5.6-2 (c) (individual & group

accident & sickness policies)

<http://codes.findlaw.com/in/title-27-insurance/in-code-sect-27-8-5-6-2.html>

IOWA

Section 514C.1 (Individual & Group policies)

<https://www.legis.iowa.gov/docs/ico/chapter/514C.pdf>

KANSAS

Section 40-2,102 (2a) (Individual & Group policies)

http://www.ksrevisor.org/statutes/chapters/ch40/040_002_0102.html

KENTUCKY

Section 304.17-042 (Individual policies)

<https://law.justia.com/codes/kentucky/2017/chapter-304/subtitle-17/section-304.17-042/>

Section 304.18-032 (Group policies)

<https://apps.legislature.ky.gov/Law/KAR/806/018/030.pdf>

Section 304.38-199 (HMO'S)

<http://law.justia.com/codes/kentucky/2011/304-38/304-38-199/>

LOUISIANA

Section 22:1024

<http://law.justia.com/codes/louisiana/2011/rs/title22/rs22-1024>

MAINE

Section 24:2319 (Non-profit Hospital or Medical Service Organizations)

<http://legislature.maine.gov/statutes/24/title24sec2319.html>

Section 24-A:2743 (Health Insurance Contracts)

<http://www.mainelegislature.org/legis/statutes/24-A/title24-Asec2743.html>

MARYLAND

Section 15-401

<https://law.justia.com/codes/maryland/2005/gin/15-401.html>

MASSACHUSETTS

Section 175 47C (General)

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXII/Chapter175/Section47C>

Section 176A 8B (Non-Profit Hospital Service Corporations)

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXII/Chapter176A/Section8B>

Section 176B 4C (Medical Service Corporations)

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXII/Chapter176B/Section4C>

MICHIGAN

Section 500.3403

<http://legislature.mi.gov/doc.aspx?mcl-500-3403>

MINNESOTA

Section 62A.042 (Family Coverage; Coverage of Newborn Infants)

<https://www.revisor.mn.gov/statutes/?id=62A.042>

HOWEVER, please note that the last sentence in this states:

“Payment for dental or orthodontic treatment not related to the management of the congenital condition of cleft lip and cleft palate shall not be covered under this provision.”

Section 62A.25 (Reconstructive Surgery)

<https://www.revisor.mn.gov/statutes/?id=62a.25>

This covers reconstructive surgery for congenital anomaly without any restrictive language to anomaly or body part (i.e. implant surgery).

MISSISSIPPI

Section 83-9-33

<https://law.justia.com/codes/mississippi/2016/title-83/chapter-9/accident-and-health-insurance/>

MISSOURI

Section 376.406.1

<http://www.moga.mo.gov/mostatutes/stathtml/37600004061.HTML>

MONTANA

Section 33-22-504 (Group policies)

https://leg.mt.gov/bills/mca/title_0330/chapter_0220/part_0050/section_0040/0330-0220-0050-0040.html

NOTE, however, that the phrase “congenital anomaly” is not used in this statute.

However, Montana rules for Medicaid seems to cover it. I don't know if that helps:

<http://www.mtrules.org/gateway/ruleno.asp?RN=37.86.1006>

Section 33-22-301 (Individual policies)

I could not find a link for 33-22-301 but it is shown on the document provided in the link in the box at the beginning of this document.

NEBRASKA

Section 44-710.19

<http://nebraskalegislature.gov/laws/statutes.php?statute=44-710.19>

NEVADA

Section 689A.043 (Individual);

<https://law.justia.com/codes/nevada/2017/chapter-689a/statute-689a.043/>

689B.033 (Group);

<https://law.justia.com/codes/nevada/2011/chapter-689b/statute-689b.033>

695C.173 (HMOs)

<https://law.justia.com/codes/nevada/2017/chapter-695c/statute-695c.173/>

NEW HAMPSHIRE

Section 415:22

<http://www.gencourt.state.nh.us/rsa/html/xxxvii/415/415-22.htm>

However, NH also has 415:18-g that states:

“Each insurer that issues or renews any group or blanket accident or health insurance policy or certificate providing benefits for medical or hospital expenses, shall provide benefits for children who are residents of N.H., under the age of 6 who have a dental condition of significant dental complexity, exceptional medical circumstances or a developmental disability, coverage for medically necessary hospital or surgical day care facility charges and administration of general anesthesia.”

NEW JERSEY

Section 17B:26-2 7g(1) and 17B:26-2 7h (Individual policies)

<https://law.justia.com/codes/new-jersey/2013/title-17b/section-17b-26-2/>

Section 17B:27-30 (group policies)

<https://law.justia.com/codes/new-jersey/2013/title-17b/section-17b-27-30/>

Section 17B:26-2.1r

<https://law.justia.com/codes/new-jersey/2013/title-17b/section-17b-26-2.1r/>

NEW MEXICO

Section 59A-22-34 (Individual)

<http://public.nmcompcomm.us/nmpublic/gateway.dll/?f=templates&fn=default.htm>

Section 59A-23-4 (Group & Blanket)

<http://public.nmcompcomm.us/nmpublic/gateway.dll/?f=templates&fn=default.htm>

Section 59A-47-27 (Nonprofit health care plans)

<http://public.nmcompcomm.us/nmpublic/gateway.dll/?f=templates&fn=default.htm>

NEW YORK

Section 3216(c)(4)(c) (Individual policies)

<https://codes.findlaw.com/ny/insurance-law/isc-sect-3216.html>

Section 4235(f)(2) (Group policies)

<https://codes.findlaw.com/ny/insurance-law/isc-sect-4235.html>

NORTH CAROLINA

Section 58-51-30 (c):

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_58/GS_58-51-30.pdf

NORTH DAKOTA

Section 26.1-36-07 (Group and Individual policies)

<http://www.legis.nd.gov/cencode/t26-1c36.pdf>

OHIO

Section 3923.26 (Group and Individual policies)

<http://codes.ohio.gov/orc/3923.26v1>

OKLAHOMA:

<https://law.justia.com/codes/oklahoma/2014/title-36/section-36-6058/>

(Scroll down to "Birth Defects")

OREGON

Section 743A.090 (Individual & Group policies)

<https://www.oregonlaws.org/ors/743A.090>

Section 743A.148 (Maxillofacial prosthetic services)

<https://www.oregonlaws.org/ors/743A.148>

Section 743A.150 (Treatment of craniofacial anomaly)

<https://www.oregonlaws.org/ors/743A.150>

PENNSYLVANIA

Section Subchapter F Section 89.201

<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/031/chapter89/subchapFtoc.html&d=reduce>

RHODE ISLAND

R.I. was difficult to find a link directly to the law. These two documents addressed the law:

See page 7 of following document - Part V - Coverage of Newborn Children

<http://www.dbr.state.ri.us/documents/rules/insurance/Refiled-Regulation23.pdf>

See page 18 of following document

<http://www.ohic.ri.gov/documents/HIAC-Mandated-Benefits-Report-May-2014.pdf>

SOUTH CAROLINA

Section 38-71-140 (all health insurances)

<http://www.scstatehouse.gov/code/t38c071.php>

SOUTH DAKOTA

Section 58-18-33 (All "Health Benefit Plans")

http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=58-18-33

Section 58-18-42 (definition of "Health Benefit Plan")

http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=58-18-42

This is also interesting:

Section 58-18-45.1 (dental care for children under 5)

http://sdlegislature.gov/statutes/Codified_laws/DisplayStatute.aspx?Statute=58-18-45.1&Type=Statute

TENNESSEE

Section 56-7-2301

<http://law.justia.com/codes/tennessee/2010/title-56/chapter-7/part-23/56-7-2301>

TEXAS

Section 1367.001 to 1367.003 (Individual & Group policies)

<http://www.statutes.legis.state.tx.us/Docs/IN/htm/IN.1367.htm>

UTAH

Section 31A-22-610 (Accident & Health Insurance)

<https://le.utah.gov/xcode/Title31A/Chapter22/31A-22-S610.html>

VERMONT

Title 8 Chapter 107 Section 4092

<http://law.justia.com/codes/vermont/2012/title08/chapter107/section4092>

VIRGINIA

Section 38.2-3411

<http://law.lis.virginia.gov/vacode/title38.2/chapter34/section38.2-3411/>

WASHINGTON

Section 48.21.150 (Group policies)

<http://app.leg.wa.gov/rcw/default.aspx?cite=48.21.155>

Section 48.20.430 (Disability policies)

<http://app.leg.wa.gov/RCW/default.aspx?cite=48.20.430>

Section 48.44.212 (I think this covers group and individual)

<http://apps.leg.wa.gov/Rcw/default.aspx?cite=48.44.212>

WASHINGTON, D.C.

Section 31-3801

<https://beta.code.dccouncil.us/dc/council/code/sections/31-3801.html>

The above law does not mention congenital anomalies, but I did find this law, which talks about “disorders”:

Section 31-3272(b)

<https://beta.code.dccouncil.us/dc/council/code/sections/31-3272.html>

WEST VIRGINIA

Section 33-6-32 (all policies)

<https://law.justia.com/codes/west-virginia/2012/chapter33/article6/33-6-32/>

WISCONSIN

Section 632.895 (5) (a) & (b) (I’m assuming this is for Group & Individual)

<https://docs.legis.wisconsin.gov/statutes/statutes/632/VI/895>

WYOMING

Section 26-20-101

<https://www.wyoleg.gov/NXT/gateway.dll?f=templates&fn=default.htm>



Contact us at NFED.org, info@nfed.org or 618-566-2020