



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION  
DIVISION OF INSURANCE  
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TIMOTHY H. GAILEY  
COMMISSIONER OF INSURANCE

BULLETIN B-90-1

TO: All Life/Health Insurance Companies, Blue Cross and Blue Shield, and Health Maintenance Organizations

FROM: Timothy H. Gailey, Commissioner of Insurance

RE: Newborn Nursery Charges Covered Under Maternity Mandate

DATE: September 21, 1990

The purpose of this bulletin is to notify all health plans in Massachusetts, including insurers writing so-called "catastrophic" policies, that newborn well-baby nursery charges are part of the maternity coverage benefit mandated by G.L. c. 175, s. 47F, governing commercial health insurers; G.L. c. 176A, s. 8H, and c. 176B, s. 4H, governing Blue Cross/Blue Shield; and G.L. c. 176G, s. 4, governing HMOs. This has been the consistent position of the Massachusetts Division of Insurance since the enactment of the regulation, 211 CMR 48.00, and statutes mandating maternity coverage in 1985.

This bulletin is being issued because the Division continues to receive complaints from consumers that claims for coverage of newborn well-baby nursery charges are being denied. All outstanding or contested claims for coverage of newborn nursery charges must be resolved in accordance with this bulletin. Failure to do so shall constitute an unfair claims settlement practice, subject to the enforcement and penalty provisions of G.L. c. 176D.

Questions about this mandate may be directed to Mary Bresnicky, Legal Section, (617) 727-7189, ext. 411.