



Expiration Date: Until Withdrawn

**DEPARTMENT OF MANAGED HEALTH CARE  
980 Ninth Street, Suite 500  
Sacramento, CA 95814**

**September 28, 2001**

**DEPARTMENT ADVICE NO. 01-02**

**TOPIC: Restrictions on out of area maternity services**

**Subject Matter:**

A consumer has complained about a letter she received from her health plan purporting to exclude out of area maternity coverage. Some licensed health care service plans presently assert an exclusion for out of area maternity coverage. Some health care service plans provide or post notices to enrollees that contain language prohibiting travel outside of the service area. Some plans have restricted out of area coverage for services related to maternity or childbirth within a specified number of days prior to the enrollee's expected due date.

Any blanket exclusion of coverage for out of area maternity coverage violates the law. Emergency medical services outside the health care service plans coverage area are basic health care services, coverage of which is mandated by law. (Health & Saf. Code §§ 1367(i), 1345(b)(6), 1371.4(a), 1371.5(b), 1317.1; and Cal. Code of Regs., tit. 28, § 1300.67(g).] Emergency services include medical screening, examination and evaluation to determine if an emergency condition or active labor exists. Emergency services also include care, treatment and surgery to eliminate the condition, including active labor and emergency maternity services.

Section 1345(h) defines out of area coverage to include "coverage for urgently needed services to prevent serious deterioration of an enrollee's health resulting from unforeseen illness or injury for which treatment cannot be delayed until the enrollee returns to the plan's service area." While a member's pregnancy may be a known or foreseeable condition, when the member travels out of area, her need for urgent services may not be foreseeable. The plan

is required to cover medically necessary urgent services for any unforeseeable condition including those related to the pregnancy.

Whether or not an emergency or urgent condition, including active labor, exists, is determined solely by the enrollee. If she had a reasonable belief that an urgent or emergent condition existed at the time she sought treatment, the services are covered. [Health & Safety Code sections 1371.4, (c), 1371.5(a)(2), (c).]

**Action:**

The Plan is expected to cover out of area emergency services, including active labor and emergency maternity services, without restrictions, limitations or exclusions. Further, the plan is expected to cover out of area unforeseeable urgently needed services, including urgent maternity services.

Accordingly, any health care service plan licensed by the Department of Managed Health Care may not exclude coverage for out of area treatment by an enrollee for active labor or a reasonable belief by the enrollee that active labor exists. A Health care service plan may not communicate to their enrollees, in any manner, a restriction or prohibition against traveling outside the service area during pregnancy. Medically necessary restrictions on travel or activities imposed by the enrollee's physician or health care service provider are not prohibited by this advice.

**Further information:**

Authority<sup>1</sup>: Section 1345(b), Section 1367, Section 1371, Rule 1300.67.

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<sup>1</sup> References to "Section \_\_\_\_" are to Sections of the Knox-Keene Health Care Service Plan Act of 1975, as amended (Health & Saf. Code § 1340 *et seq.* (the "Act").) References to "Rule \_\_\_\_." refer to the regulations promulgated pursuant to the Act [found at Title 28 of the California Code of Regulations, beginning at Section 1300.43].