



# EBIA

*Helping employers and advisors know the law*

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## EBIA Weekly Archives

### Must Our Health Plan Cover the Pregnancy Expenses of Employees' Children?

From the December 23, 2014 EBIA Weekly

**QUESTION:** Our company's major medical plan covers the pregnancy-related expenses of employees and their spouses. Is our plan also required to cover pregnancy-related expenses of employees' children who are enrolled as dependents?

**ANSWER:** Although health care reform requires group health plans that provide dependent coverage for participants' children to make such coverage available until a child turns age 26, plans do not necessarily have to cover the pregnancy-related expenses of those children. Under the Pregnancy Discrimination Act (PDA), a health plan of an employer with 15 or more employees that covers medical expenses of female employees' spouses must also cover medical expenses of male employees' spouses, including expenses arising from pregnancy-related conditions. But the PDA does not require plans to cover the pregnancy-related expenses of other covered individuals (such as employees' children), so long as pregnancy-related expenses of male and female employees' dependents are treated equally.

Nevertheless, your plan may still have to cover some pregnancy-related expenses of employees' children. If your plan is a small group market insurance plan that is non-grandfathered and not subject to transitional relief (see our [article](#)), it will be required to cover maternity care as one of the "essential health benefits" (EHBs). The EHB rules generally apply to the small group market—plans of employers with 50 or fewer employees (starting in 2016, that number will increase to include employers with 100 or fewer employees). While larger employers' plans are not subject to the EHB rules, health care reform's preventive services mandate requires all non-grandfathered group health plans to provide first-dollar coverage of in-network prenatal and post-natal care for all covered individuals under the plan, including an employee's children.

For more information, see EBIA's [Group Health Plan Mandates](#) manual at Sections XXI.E.2 ("Pregnancy-Related Expenses of Spouses and Dependents of Employees") and XIII.C ("Coverage of Preventive Health Services"). See also EBIA's [Health Care Reform](#) manual at Sections XIV.F ("Comprehensive Health Coverage Requirement (Essential Health Benefits Package)—Applicable Only in the Individual and Small Group Markets") and XII.C ("Coverage of Preventive Health Services"), and EBIA's [Self-Insured Health Plans](#) manual at Section XIII.E ("Coverage Limitations and Exclusions").

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