

NEWBORNS' AND MOTHERS' HEALTH PROTECTION ACT

The federal Newborns' and Mothers' Health Protection Act (NMHPA) of 1996 became effective January 1, 1998, and contains numerous provisions protecting mothers and newborn children.

The law states that any HMO or group health plan that provides coverage for hospital stays for childbirth must provide coverage for a minimum amount of time and cannot require early discharge or provide incentives for the attending physician or the patient to leave early. A managed care plan cannot require you or your attending physician to show that the 48-hour (or 96-hour) stay is medically necessary.

- For a vaginal delivery, the minimum length of stay is 48 hours, for both the mother and the baby.
- For a cesarean delivery, the minimum length of stay is 96 hours, for both the mother and the baby.

However, if for any reason your health plan does not cover hospital stays for childbirth, the new standards don't apply. The federal act does not require a group health plan or other health care provider to cover maternity stays in a hospital.

The federal law allows companies to charge co-payments for time spent in the hospital after birth, provided that the co-payments are not higher than any co-payments for other hospitalizations.

The 48-hour period (96-hour period) might differ between mother and child. For instance, an HMO or health plan might pay for a different amount of time for the mother than the child. This can only happen if the physician, in consultation with the mother, decides to discharge the child prior to the mother or, decides to discharge the mother prior to the child.