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The Newborns' and Mothers' Health Protection Act of 1996 (NMHPA)

Protection for mothers and their newborns

The Newborns' and Mothers' Health Protection Act of 1996 (NMHPA) creates certain allowances for mothers and newborns during the course of childbirth. Read on to learn about the benefits of NMHPA for you and your newborn.

What protection does NMHPA provide?

NMHPA sets the minimum amount of time that must be provided to mothers and newborns for a hospital stay in connection with childbirth. In general, before restricting benefits, any group health plan or health insurance issuer that is subject to NMHPA must allow for a hospital stay of at least 48 hours following a vaginal delivery or 96 hours following a delivery by cesarean section.

If you deliver your baby in the hospital, this period of required coverage begins at the time of delivery. If you are admitted to a hospital following the delivery of your baby, the period begins when you are admitted.

A group health plan or health insurance issuer does not have to continue covering the hospital stay of a mother or newborn who the attending provider determines, in consultation with the mother, to no longer require it.

An attending provider may be:

- A physician
- A nurse midwife
- A physician assistant
- A nurse practitioner
- Another individual, licensed under state law, who is directly responsible for providing maternity or pediatric care to the mother or the newborn child.

“ NMHPA sets the minimum amount of time that must be provided to mothers and newborns for a hospital stay in connection with ”

The attending provider may not be a health plan, hospital, insurance company or HMO.

What types of coverage are subject to NMHPA?

This law applies to two different types of coverage:

- Group health plans (provided by an employer or union), including both insured and self-funded plans
- Individual health insurance policies (not based on employment)

What types of coverage are not subject to NMHPA?

- If you are in an insured group health plan or if you have individual insurance coverage, and you are in a state that has a law with similar provisions, NMHPA may not apply to your plan.
- NMHPA does not apply to high-risk pools since the pool is not an issuer of health insurance.

NOTE: The coverage that is subject to NMHPA is the mother's coverage. Even if the newborn is covered separately, NMHPA applies only to the mother's plan.

For more information and additional rules and regulations, visit: cciio.cms.gov/programs/protections/NMHPA/nmhpafactsheet.html.

Source: Dept. of Health and Human Services www.hhs.gov.

