The Newborns’ and Mothers’ Health Protection Act
PLAN YEAR 2017

The Newborns’ and Mothers’ Health Protection Act of 1996 (NMHPA) provides protection for mothers and newborn children relating to the length of their hospital stay following childbirth.

Group health plans and health insurance issuers may not restrict benefits for a hospital stay in connection with childbirth to less than 48 hours following a vaginal delivery, or 96 hours following a delivery by cesarean section.

However, the attending provider may decide, after consulting with the mother, to discharge the mother and/or her newborn earlier than 48-hour (or 96-hour as applicable). A plan cannot deny a mother or her newborn child coverage for a 48-hour stay (or 96-hour stay) because the plan claims that the mother or her attending provider has failed to show that the 48-hour stay (or 96-hours stay) is medically necessary.

However, plans generally can require an individual to notify the plan of the pregnancy in advance of an admission in order to use certain providers or facilities or to reduce the individual’s out-of-pocket costs.