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Headline: - What a surrogate mother in India should know about insurance policy

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- IRDAI has issued a directive to all insurance companies, earlier this fiscal, instructing them to provide coverage for the expenses related to surrogacy.
- The policy should cover all medical expenses related to pregnancy and delivery, as well as postpartum care for the surrogate mother.
- The responsibility of acquiring this surrogacy insurance policy falls upon the intending parents or individual seeking surrogacy.

Surrogacy is a medical process in which a woman agrees to carry and deliver a baby for another couple or individual. The surrogate mother is typically implanted with an embryo created by using the intended parents' sperm and egg. Once the baby is born, the surrogate mother's legal rights to the child are terminated, and the intended parents become the child's legal parents.

What the law says

In the Surrogacy (Regulation) Rules 2022, there is a provision that highlights the necessity of mandatory insurance coverage. It specifies that the intending woman or couple must acquire a general health insurance policy in favour of the surrogate mother.

This insurance policy should have a duration of 36 months and should be obtained from an insurance company or an agent recognized by Insurance Regulatory and Development Authority of India (IRDAI).

The coverage amount should be substantial enough to address all expenses related to pregnancy complications, as well as postpartum delivery complications.

Recently, IRDAI has issued a directive to all insurance companies, instructing them to provide coverage for the expenses related to surrogacy.

“Let us say a couple is covered under a family floater policy. That couple decides to go for surrogacy as they have some medical issue and they are not able to conceive. If they decide to go for surrogacy, they should be able to buy a cover for the surrogate mother,” says Bhaskar Nerurkar, head, health administration team, Bajaj Allianz General Insurance. Hence, every health insurance company should bring in such a cover.

Coverage under the surrogacy policy

This surrogacy policy offers a broad range of medical coverage, including antenatal care and checkups, hospitalisation and delivery charges, treatment for pregnancy complications like preeclampsia, gestational diabetes, and premature labour, postpartum care, and treatment for delivery complications, and medical conditions that may arise as a result of the surrogacy procedure.

“The couple may have maternity cover under their health insurance policy. The maternity expenses are only covered for the spouse. But in this case the surrogate mother is going to get admitted. So this surrogacy cover will cover maternity expenses and any other expenses related to delivery complications,” says Nerurkar.

What to know

The responsibility of acquiring this surrogacy insurance policy falls upon the intending parents or individual seeking surrogacy. It is crucial to purchase the policy from an insurance company registered with IRDAI and to do so before the embryo transfer procedure takes place.

“If I am a surrogate mother, the expectation is that the biological parent should buy the policy for me,” says Bhabatosh Mishra, director, claims, underwriting and product, Niva Bupa, a health insurance company.

As mentioned, the coverage should extend for 36 months from the date of embryo transfer and must include expenses related to pregnancy complications and post-partum delivery complications. “The policy must be purchased before the pregnancy starts. Also, since it covers maternity related complications, there is no classical waiting period of two years or so,” says Mishra.

Surrogacy is a multifaceted process with both emotional and financial implications. By thoroughly examining the legal and insurance aspects, individuals and couples can navigate the surrogacy journey more effectively, ensuring the well-being of all parties involved.