

Article - Insurance

[Previous][Next]

§18–120.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Genetic information” means information derived from a genetic test:

1. about chromosomes, genes, gene products, or inherited characteristics that may derive from an individual or a family member;

2. not obtained for diagnostic and therapeutic purposes; and

3. obtained at a time when the individual to whom the information relates is asymptomatic for the disease, disorder, illness, or impairment to which the information relates.

(ii) “Genetic information” does not include information:

1. relating to a disease, disorder, illness, or impairment that is or has been manifested or for which the individual is or has been symptomatic; or

2. derived from:

A. routine physical measurements;

B. chemical, blood, and urine analyses;

C. tests for the use of drugs;

D. tests for the presence of the human immunodeficiency virus;

or

E. tests for the purpose of diagnosing a manifested disease, disorder, illness, or impairment.

(3) “Genetic services” means health services that are provided to obtain, assess, or interpret genetic information or the results of genetic tests.

(4) (i) “Genetic test” means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detects genotypes, mutations, or chromosomal changes.

(ii) “Genetic test” does not include:

1. routine physical measurements;

2. chemical, blood, and urine analyses;
3. tests for the use of drugs;
4. tests for the presence of the human immunodeficiency virus;

or

5. tests that are directly related to a manifested disease, disorder, illness, or impairment that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

(b) In addition to the other practices prohibited under this article, a carrier or insurance producer of a carrier that provides long-term care insurance may not:

(1) employ a method of marketing that induces or tends to induce the purchase of long-term care insurance through undue pressure;

(2) use a method of marketing that fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance, and that contact will be made by an insurance producer or carrier;

(3) knowingly make a misleading representation or an incomplete or fraudulent comparison of policies or carriers to induce a person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert a policy or take out a policy with another carrier;

(4) request or require a genetic test to:

(i) deny or limit the amount, extent, or kind of long-term care insurance coverage available to an individual; or

(ii) charge a different rate for the same long-term care insurance coverage; or

(5) use a genetic test, the results of a genetic test, genetic information, or a request for genetic services to:

(i) deny or limit the amount, extent, or kind of long-term care insurance coverage available to an individual; or

(ii) charge a different rate for the same long-term care insurance.

(c) Notwithstanding subsection (b)(5) of this section, if the use is based on sound actuarial principles, the results of a genetic test or genetic information may be used to:

(1) deny or limit the amount, extent, or kind of long-term care insurance coverage made available to an individual; or

(2) charge a different rate for the same long-term care insurance.

[Previous][Next]