

SENATE, No. 2173

STATE OF NEW JERSEY

INTRODUCED JUNE 12, 1997

By Senator SINAGRA

1 AN ACT concerning insurance information practices and
2 supplementing P.L.1985, c.179 (C.17:23A-1 et seq.).

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. An insurer who requires an applicant for insurance to submit to
8 medical testing as a condition of issuing, extending or renewing the
9 insurance and who, in the course of the testing determines that the
10 applicant has a life threatening, reportable communicable disease,
11 shall promptly notify the applicant and, when requested, the physician
12 or other medical professional designated by the applicant, of the
13 determination. The insurer shall also promptly provide the applicant
14 or designated physician or other medical professional with a copy of
15 the results of the test and an interpretation of the test results by a
16 qualified professional.

17 The insurer shall provide the notification required pursuant to this
18 section regardless of whether the existence of the disease will result in
19 an adverse underwriting decision for the applicant.

20 For the purposes of this act, "reportable communicable disease"
21 means those diseases required to be reported to the Department of
22 Health and Senior Services pursuant to N.J.A.C.8:57-1.3 through
23 8:57-1.6 and N.J.A.C.8:57-2.2 and 8:57-2.3.

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25 2. The Commissioner of Banking and Insurance shall adopt
26 regulations pursuant to the "Administrative Procedure Act," P.L.1968,
27 c.410 (C.52:14B-1 et seq.) which establish procedures that insurers
28 shall use to notify applicants of test results pursuant to this act.

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30 3. This act shall take effect immediately.

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STATEMENT

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35 This bill provides that an insurer who requires an applicant for
36 insurance to submit to medical testing as a condition of issuing,
37 extending or renewing the insurance policy and who, in the course of

1 the testing determines that the applicant has a life threatening,
2 reportable communicable disease, shall promptly notify the applicant
3 and, when requested, the physician or other medical professional
4 designated by the applicant, of the determination. The insurer shall
5 also promptly provide the applicant or designated physician or other
6 medical professional with a copy of the results of the test and an
7 interpretation of the test results by a qualified professional.

8 The insurer is required to provide this notification regardless of
9 whether the existence of the disease will result in an adverse
10 underwriting decision for the applicant.

11 The purpose of this bill is to ensure that if in the course of
12 performing medical testing on an applicant for insurance (typically life
13 or disability insurance), the insurer determines that the applicant has
14 a disease such as HIV or AIDS, the applicant who may be unaware
15 that he has the disease is notified of the medical test results and is able
16 to take appropriate measures to treat and contain the spread of the
17 disease.

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23 Requires insurers to notify applicants for insurance if applicant tests
positive for a life threatening, reportable communicable disease.