

SENATE HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 2173

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 1997

The Senate Health Committee reports favorably Senate Bill No. 2173 with committee amendments.

As amended by the committee, this bill provides that an insurer who requires an applicant for insurance to submit to medical testing as a condition of issuing, extending or renewing the insurance policy shall obtain the applicant's written consent for the test. If, in the course of the testing, the insurer determines that the applicant has a life threatening, reportable communicable disease, the insurer shall promptly notify the applicant and provide the Department of Health and Senior Services and a physician or other medical professional designated by the applicant with a copy of the test result.

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

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

The committee amended the bill to:

- C require that an insurer who requires an applicant for insurance to submit to medical testing shall obtain the applicant's written consent for the test;
- C require the insurer to provide the Department of Health and Senior Services with a copy of the test results if the insurer determines that the applicant has a life threatening, reportable communicable disease; and
- C delete the requirement for an insurer to provide the applicant or designated physician or other medical professional with an interpretation of the test results by a qualified professional.

As amended by committee, this bill is identical to Assembly Bill No. 3139(1R)(Vandervalk/Zecker).