

Life Insurance Coverage and A I D S

**State of Wisconsin
Office of the Commissioner of Insurance
P.O. Box 7873
Madison, WI 53707-7873
oci.wi.gov**

**The mission of the Office of
the Commissioner of Insurance . . .
Leading the way in informing and protecting
the public and responding to their insurance needs.**

If you have a specific complaint about your insurance, refer it first to the insurance company or agent involved. If you do not receive satisfactory answers, contact the Office of the Commissioner of Insurance (OCI).

To file a complaint online or to print a complaint form:

OCI's Web Site

oci.wi.gov

Phone

(608) 266-0103 (In Madison)

or

1-800-236-8517 (Statewide)

Mailing Address

Office of the Commissioner of Insurance

P.O. Box 7873

Madison, WI 53707-7873

Electronic Mail

ocicomplaints@wisconsin.gov

Please indicate your name, phone number, and e-mail address.

**Deaf, hearing, or speech impaired callers may
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This publication provides basic information regarding insurance statutes and regulations applying to insurance coverage for the human immunodeficiency virus (HIV) causing acquired immunodeficiency syndrome (AIDS). For more detailed and complete information you may want to contact one of the AIDS service organizations listed on the Resources pages at the back of this publication.

May insurers ask you if you have AIDS or ARC?

Yes. Insurers may ask on the application for any type of life insurance coverage if you have ever been diagnosed by a member of the medical profession or treated for AIDS (acquired immunodeficiency syndrome) or ARC (AIDS-related complex).

May insurers ask you if you have been tested for the HIV virus?

If you are applying for **individual** life insurance, the insurer may:

- Ask you if you have been tested for the HIV virus and for the results of those tests.
- Require you be tested, at the insurer's expense, for the presence of HIV, antigen or nonantigenic products of HIV, or an antibody to HIV.

Note: For life insurance applications including a question about previous tests, an insurer may not require or request the disclosure of any information as to whether you have been tested at an anonymous counseling and testing site in Wisconsin or another state, or through the use of an anonymous home test kit, or to reveal the results of such a test.

If you apply for coverage under a **group** life insurance policy subject to Wisconsin law, the insurer may **not**:

- Ask you any questions concerning whether you have been tested for the presence of HIV, antigen or nonantigenic products of HIV, or an antibody to HIV as part of the underwriting process or what the results of the test were;
- Condition the provision of insurance coverage on whether you have obtained a test for the presence of HIV, antigen or nonantigenic products of HIV, or an antibody to HIV, or what the results of this test were; or
- Consider in the determination of rates or any other aspect of insurance coverage provided to you whether you have obtained a test for the presence of HIV, antigen or nonantigenic products of HIV, or an antibody to HIV, or what the results of this test were.

The provisions listed above apply to group life insurance policies where prospective applicants are individually medically underwritten and where there is no individual underwriting, such as in guarantee issue situations.

What HIV tests may insurers ask you about or require you to take?

Insurers may ask you about or require you to take only tests the state epidemiologist finds are "medically significant and sufficiently reliable to detect the presence of HIV, antigen or nonantigenic products of HIV, or an antibody to HIV." Insurers may ask you about or require you to take only tests meeting the following criteria:

- A single specimen repeatedly reactive using any Food and Drug Administration (FDA)-licensed enzyme immunoassay (EIA) HIV antibody test and confirmed positive using an FDA-licensed HIV antibody confirmatory test.

- A single specimen repeatedly reactive using any FDA-licensed HIV antigen test and an FDA-licensed EIA HIV antibody test. A specimen which is repeatedly reactive to an FDA-licensed HIV antigen test shall be confirmed through a neutralization assay. A specimen which is repeatedly reactive to an FDA-licensed EIA HIV antibody test shall be tested with an FDA-licensed HIV antibody confirmatory test.
- A single specimen tested for the presence of HIV using a molecular amplification method for the detection of HIV nucleic acids consistent with National Committee for Clinical Laboratory Standards.
- A single specimen tested for the presence of HIV using viral culture methods.

Does the insurer have to obtain informed consent before testing?

Yes. The insurer must obtain prior to testing a signed consent form from you or from one of the following:

- The person's parent or guardian if the person is under 14 years of age.
- The person's guardian if the person is adjudged incompetent under ch. 880, Wis. Stat.
- The person's health care agent, as defined in s. 155.01 (4), Wis. Stat., *if the person has been found to be incapacitated under s. 155.05 (2), Wis. Stat.*

The insurer must provide a copy of the consent form to the person who signed the form and must maintain a copy of the consent form for at least one year. A sample format of the consent form is included at the back of this publication.

The insurer must provide, with the consent form, a copy of the document "Resources for Persons with a Positive HIV Test/The Implications of Testing Positive for HIV." This document (OCI 17-001) is included in the back of this publication.

Is the insurance company permitted to disclose the results of a test to anyone?

If you are required by the insurer to be tested, the test results described in the consent form signed prior to the testing may be released only as described in the consent form, or upon your written consent, or that of a person authorized to give consent.

Are there other insurance laws pertaining to HIV testing?

Yes. If an insurer medically underwrites your application for group life insurance, the insurer may not use or obtain from any source, including the Medical Information Bureau, Inc., information regarding the following:

- The results of your test for the presence of HIV, antigen or nonantigenic products of HIV, or an antibody to HIV.
- Any other information on whether you have been tested for the presence of HIV, antigen or nonantigenic products of HIV, or an antibody to HIV.

A **life insurance policy** may not deny or limit benefits solely because death is caused, directly or indirectly, by HIV infection or any illness or medical condition arising from or related to HIV infection.

What are the insurer's obligations if a test is positive?

If a test is positive and affects the issuance or terms of the policy, the insurer must provide written notice to you or the person who signed the consent form on your behalf that you do not meet the insurer's usual underwriting criteria because of a test result. The insurer must request you to provide informed consent for disclosure of the test result to a health care provider with whom you choose to discuss the test result.

Upon receipt of the informed consent for disclosure, the insurer must provide your designated health care provider with the test result. If you refuse to give informed consent for disclosure, the insurer must, upon your request, provide you or the person who signed the consent form on your behalf with the test result.

The insurer must include with the report of the test result all of the following:

- A statement that you should contact a private health care provider, a public health clinic, an AIDS service organization, or the AIDS Resource Center of Wisconsin (ARCW) for information on the medical implications of a positive test, the desirability of further independent tests, and the availability of anonymous testing.
- The toll-free telephone number of the ARCW, the statewide AIDS information and medical referral service.
- A copy of the document "Resources for Persons with a Positive HIV Test/The Implications of Testing Positive for HIV."

The Wisconsin Department of Health Services (DHS) has two programs helping people with HIV infection. The Wisconsin AIDS/HIV Drug Assistance Program (ADAP) (www.dhs.wisconsin.gov/aids-hiv/adap.htm) and the Wisconsin AIDS/HIV Health Insurance Premium Subsidy Program (www.dhs.wisconsin.gov/aids-hiv/hipsp.htm) can help Wisconsin residents with HIV infection obtain certain HIV drugs and maintain (or obtain) health insurance. To apply for ADAP and/or the Insurance Premium Subsidy Program or to learn more about these programs, call DHS toll-free at 1-800-991-5532.

RESOURCES FOR PERSONS WITH A POSITIVE HIV TEST

AIDSLine - The Wisconsin HIV/STD/Hepatitis C Information and Referral Center (IRC) hotline and Web site provide easily accessible information and referrals for people diagnosed with HIV, STDs, or Hepatitis C, people at risk for HIV, STDs, or Hepatitis C, and organizations providing services to these people. People will have access to IRC information and referrals, including testing sites, through a statewide toll-free hotline and a dedicated Web site. To contact the IRC, call **1-800-334-2437**, online at arcw.org/aidsline/, or e-mail your questions to irc-wisconsin@arcw.org or AIDSLine@arcw.org. The IRC is a program of the AIDS Resource Center of Wisconsin (ARCW). If there is no staff or volunteer available, individuals calling will be transferred to the national hotline at the Center for Disease Control Info which is 1-800-232-4636.

AIDS Resource Center of Wisconsin (ARCW) provides direct support services to people living with AIDS and HIV infection. Services through ARCW's Appleton, Beloit, Eau Claire, Green Bay, Kenosha, La Crosse, Madison, Milwaukee, Superior, and Wausau offices include primary medical care, medical referrals, financial assistance, housing and rent assistance, legal counsel, comprehensive case management, food and nutritional assistance, emotional support, referral for pastoral care, assistance with daily living needs, and support groups. Services through ARCW's Madison office include financial assistance, housing and rent assistance, and legal counsel. Call, visit, or write the AIDS Resource Center of Wisconsin (ARCW) near you. To contact the AIDS Resource Center of Wisconsin, call 1-800-359-9272, visit the Web site at arcw.org/about-us/locations/ or e-mail your questions to info@arcw.org.

Appleton	AIDS Resource Center of Wisconsin 633 C West Wisconsin Avenue Appleton, WI 54911 (920) 733-2068 1-800-773-2068 FAX: (920) 733-7786 http://www.arcw.org/locations/	Counties served: Calumet, Outagamie, Winnebago
Beloit	AIDS Resource Center of Wisconsin 136 West Grand Avenue, Suite 290 Beloit, WI 53511 (608) 364-4027 1-800-486-6276 FAX: (608) 313-0032 http://www.arcw.org/locations/	Counties served: Rock, Walworth, Jefferson, Green
Eau Claire	AIDS Resource Center of Wisconsin 505 South Dewey Street, Suite 107 Eau Claire, WI 54701 (715) 836-7710 1-800-750-2437 FAX: (715) 836-9844 http://www.arcw.org/locations/	Counties served: Barron, Buffalo, Burnett, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix
Green Bay	AIDS Resource Center of Wisconsin 445 South Adams Street Green Bay, WI 54301 (920) 437-7400 1-800-675-9400 FAX: (920) 437-1040 http://www.arcw.org/locations/	Counties served: Brown, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Shawano, Sheboygan, Waupaca, Waushara
Kenosha	AIDS Resource Center of Wisconsin 1212 57th Street Kenosha, WI 53140 (262) 657-6644 1-800-924-6601 FAX: (262) 657-6949 http://www.arcw.org/locations/	Counties served: Kenosha, Racine

La Crosse	AIDS Resource Center of Wisconsin 811 Rose Street La Crosse, WI 54603 (608) 785-9866 1-800-947-3353 FAX: (608) 784-6661 http://www.arcw.org/locations/	Counties served: Jackson, La Crosse, Monroe, Trempealeau, Vernon
Madison	AIDS Resource Center of Wisconsin 600 Williamson Street, Suite H Madison, WI 53703 (608) 252-6540 1-800-486-6276 FAX: (608) 252-6559 http://www.arcw.org/locations/	Counties served: Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Juneau, Lafayette, Richland, Rock, Sauk
Milwaukee	AIDS Resource Center of Wisconsin 820 North Plankinton Avenue Milwaukee, WI 53203 (414) 273-1991 1-800-359-9272 FAX: (414) 273-2357 http://www.arcw.org/locations/	Counties served: Milwaukee, Ozaukee, Washington, Waukesha
Superior	AIDS Resource Center of Wisconsin Board of Trade Building 1507 Tower Avenue, Suite 230 Superior, WI 54880 (715) 394-4009 1-877-242-0282 FAX: (715) 394-4066 http://www.arcw.org/locations/	Counties served: Ashland, Bayfield, Douglas, Iron, Sawyer, Washburn
Wausau	AIDS Resource Center of Wisconsin 1105 Grand Avenue, Suite 1 Schofield, WI 54476 (715) 355-6867 1-800-551-3311 FAX: (715) 355-0640 http://www.arcw.org/locations/	Counties served: Florence, Forest, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Taylor, Vilas, Wood

Additional Resources:

AIDS Resource Center of Wisconsin
AODA Outpatient Clinic
Johnnie Turner, Clinical AODA Supervisor
820 North Plankinton Avenue
Milwaukee, WI 53203
(414) 223-6828
1-800-359-9272
FAX: (414) 273-2357

Angie Rosch, Informational and Referral Center Manager
(414) 225-1539

Bill Keeton, Vice President, Government and Public Relations
(414) 225-1572

THE IMPLICATIONS OF TESTING POSITIVE FOR HIV

A positive test result is not a diagnosis of AIDS. A positive test means that you have HIV infection. Like people with other chronic medical problems, people with HIV infection have a spectrum of conditions, ranging from no symptoms to very serious ones. Over time, most people with HIV infection progress along the spectrum toward more serious symptoms. **However, both improved medical management and many options for self-care now provide new hope for people with HIV infection.** Anti-viral drug therapy and preventive antibiotics can delay progression of HIV infection and postpone or modify complications.

It is extremely important to find a knowledgeable, experienced, and supportive health care provider to work with you in evaluating and managing your HIV infection. If you do not know whom to see, consult the AIDS Resource Center of Wisconsin (ARCW) for the location of your local AIDS Resource Center for a recommendation or call the AIDS Resource Center of Wisconsin (ARCW) hotline to obtain a referral. **In Wisconsin, call 1-800-334-2437 or e-mail irc-wisconsin@arcw.org or visit arcw.org/about-us/locations/.** If there is no staff or volunteer available, individuals calling will be transferred to the national hotline at the Center for Disease Control Info which is 1-800-232-4636.

Your health care provider can perform periodic examinations and arrange for appropriate tests to help you decide what treatments and interventions you may want to use. Many people with HIV infection are being successfully treated with anti-viral drugs such as zidovudine (AZT) to slow the progress of the infection. Depending on the results of certain tests of your immune system, you may also benefit from therapies to prevent some infections. People with HIV infection also need regular tuberculosis (TB) screening and certain vaccinations. You and your health care provider can work out a schedule of follow-up visits appropriate for you.

You may also want to utilize some self-care options and nonmedical therapies. A nutritious diet, regular exercise, restful sleep, stress reduction, and spiritual peace (which are important for everyone) are even more helpful for many people with HIV infection. Some people with HIV infection find strength in meditation, massage, and specialized diets. If you are HIV positive, it is healthier to avoid alcohol and recreational drugs because they may damage your immune system.

A positive test result may mean you have to make changes in certain areas of your life. It is much easier to make these adjustments with the help and support of others. There are support groups and counselors at most AIDS service organizations. You might seek support from your partner or trusted friends, family, clergy, or health professionals.

Counseling can help you put things in perspective. Some people who test positive find counseling assists them in handling social and intimate relationships, dealing with fear, and promoting self-esteem. Professional counseling can help lessen the effects of the numerous issues you may face.

You have a responsibility to yourself and others to avoid transmitting the virus. Counselors can help you sort out your feelings about intimate relationships and help you learn about HIV risk-reduction methods. Not only should you avoid infecting others, but you should also avoid getting reinfected. Getting reinfected may help speed up the process of the HIV infection you already have.

Being HIV positive means taking the right steps to maintain your health. Dealing with the fear is healthier than avoiding the knowledge of HIV infection.

For more information on HIV antibody testing and HIV related services, contact the AIDS Resource Center of Wisconsin at 1-800-334-2437 or e-mail irc-wisconsin@arcw.org or AIDSLine@arcw.org or visit arcw.org/aidsline/contact_aidsline/. If there is no staff or volunteer available, individuals calling will be transferred to the national hotline at the Center for Disease Control Info which is 1-800-232-4636.

Based on information contained in the brochure *The HIV Antibody Test*, produced by the American College Health Association.

[Insurer name and address]

WISCONSIN NOTICE AND CONSENT FOR HUMAN IMMUNODEFICIENCY TESTING

REQUEST FOR CONSENT FOR TESTING

To evaluate your insurability, _____ **(insurer name)** _____ (Insurer) requests that you be tested to determine the presence of human immunodeficiency virus (HIV) antibody or antigens. By signing and dating this form, you agree that this test may be done and that underwriting decisions may be based on the test results. A licensed laboratory will perform one or more tests approved by the Wisconsin Commissioner of Insurance.

PRETESTING CONSIDERATION

Many public health organizations recommend that, if you have any reason to believe you may have been exposed to HIV, you become informed about the implications of the test before being tested. You may obtain information about HIV and counseling from a private health care provider, a public health clinic, or one of the AIDS service organizations on the attached list. You may also wish to obtain an HIV test from an anonymous counseling and testing site before signing this consent form. The Insurer is prohibited from asking you whether you have been tested at an anonymous counseling and testing site and from obtaining the results of such a test. **For further information on these options, contact the AIDS Resource Center of Wisconsin (ARCW) hotline at 1-800-334-2437 or visit arcw.org/about-us/locations/.** If there is no staff or volunteer available, individuals calling will be transferred to the national hotline at the Center for Disease Control Info which is 1-800-232-4636.

MEANING OF POSITIVE TEST RESULTS

This is not a test for AIDS. It is a test for HIV and shows whether you have been infected by the virus. A positive test result may have an effect on your ability to obtain insurance. A positive test result does not mean that you have AIDS, but it does mean that you are at a seriously increased risk of developing problems with your immune system. HIV tests are very sensitive and specific. Errors are rare but they can occur. If your test result is positive, you may wish to consider further independent testing from your physician, a public health clinic, or an anonymous counseling and testing site. **HIV testing may be arranged by calling the ARCW at 1-800-334-2437 or visit arcw.org/about-us/locations/.**

NOTIFICATION OF TEST RESULTS

If your HIV test result is negative, no routine notification will be sent to you. If your HIV test result is other than normal, the Insurer will contact you and ask for the name of a physician or other health care provider to whom you may authorize disclosure and with whom you may wish to discuss the test results.

DISCLOSURE OF TEST RESULTS

All test results will be treated confidentially. The laboratory that does the testing will report the result to the Insurer. If necessary to process your application, the Insurer may disclose your test result to another entity such as a contractor, affiliate, or reinsurer. If your HIV test is positive, the Insurer may report it to the Medical Information Bureau (MIB, Inc.), as described in the notice given to you at the time of application. If your HIV test is negative, no report about it will be made to the MIB, Inc. The organizations described in this paragraph may maintain the test results in a file or data bank. These organizations may not disclose the fact that the test has been done or the results of the test except as permitted by law or authorized in writing by you.

CONSENT

I have read and I understand this notice and consent for HIV testing. I voluntarily consent to this testing, and the disclosure of the test result as described above. A photocopy or facsimile of this form will be as valid as the original.

Signature of Proposed Insured or Parent, Guardian, or Health Care Agent		Date
Name of Proposed Insured (Print)		Date of Birth
Street Address		
City	State	Zip Code