NOVEMBER, 1999

WEST VIRGINIA INFORMATIONAL LETTER

NO. 116

TO: ALL HEALTH MAINTENANCE ORGANIZATIONS, FRATERNAL BENEFIT SOCIETIES, HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS, AND HEALTH SERVICE CORPORATIONS, HEALTH CARE CORPORATIONS, AND ACCIDENT AND SICKNESS OR LIFE INSURANCE COMPANIES LICENSED TO DO BUSINESS IN THE STATE OF WEST VIRGINIA (INSURERS)

RE: AIDS TESTING/REPORTING REQUIREMENTS

Effective May 6, 1999 insurers may use certain FDA approved oral tests for the presence of the AIDs virus in their West Virginia underwriting of prospective insureds. This is in addition to the existing ability to use approved blood and urine tests in insurance underwriting.

This letter is to remind insurers that approval by the West Virginia Insurance Commissioner of tests for use in underwriting does not excuse individuals performing those tests from other state and federal requirements relating to AIDs testing and reporting. Federal and state protocols and reporting requirements do generally apply to this testing.

These requirements include but are not limited to the following:

- Testing must comply with applicable U.S. FDA guidelines. With oral testing this includes the supervision of testing by a medical professional (usually the insurers medical director).
- Positive AIDs test results must be reported by the medical professional and/or laboratory to the Director of the Division of Health of the West Virginia Department of Health and Human Resources in compliance with W. Va. Code §§ 6-3C-1 et seq. and W. Va. Code of State Rules §§ 64-64-1 et seq.

- Testing must comply with the protocols established by the West Virginia Insurance Commissioner (see W. Va. Code of State Rules §§ 114-27-1 et seq.).

The address and phone number for the Director of the Division of Health is:

West Virginia Department of Health and Human Resources
Building 3, Room 518
State Capitol Complex
Charleston, West Virginia 25305

Phone: (304) 558-2971

Hanley C. Clark
Insurance Commissioner