Bill Seeks to Restrict Use of Genetic Tests by Long-Term Care Insurers

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Lawmakers want to prohibit long-term care insurers from using genetic tests to determine coverage, but a compromise forged with insurance companies could allow limited use of previously taken tests.

"We think it strikes a balance between the needs of the insurers and the needs of all of us," said David Conn of the Maryland Jewish Alliance, which supports the bill.

Sen. Jennie Forehand, D-Montgomery, said she introduced the legislation to build on her 1995 bill to prohibit genetic discrimination in health insurance, which is now law. The Senate Finance Committee reported favorably on the amended bill Wednesday.

Genetic tests can predict risk for devastating diseases like Alzheimer's and certain cancers, but concerns over higher insurance rates, rejection and cancellation can discourage patients from using them.

The tests, which analyze DNA, RNA and chromosomes, only indicate risk and cannot confirm whether or not somebody will actually get a disease.

In Maryland, health management organizations, health service plans and health insurers are already prohibited from using the tests to determine coverage and to increase rates, but long-term care, disability and life insurance providers are exempt from the ban, according to the Department of Legislative Services.

Long-term care insurance covers expenses related to disability or chronic illness, such as nursing home care or in-home health services, which can be costly and are often not covered by health insurance or government programs.

Longer life spans are making the insurance more important, said Dr. Susan Panny, director of the Maryland Department of Health and Mental Hygiene's Office for Genetics and Children with Special Health Care Needs.

"Almost everyone is going to have some long-term care expenses," she said. "The responsible thing to do, if you can afford it, is to purchase long-term care insurance."

The amended version of the bill gives long-term insurance companies limited use of previously taken genetic test results if they have exact actuarial data that shows how a particular result can justify charging higher rates or a rejection, said Conn.

Without specific evidence, companies could not use or ask for existing test results. Conn also said that in all cases, providers would still be banned from requiring genetic tests as a condition for application.

Forehand said that with the amendments drafted with input from insurance companies, her bill matches a House version that was reported on favorably by the Health and Government Operations Committee.

"It is my understanding that with these changes, the insurance industry withdraws its opposition to the legislation," she said, in remarks to the Senate Finance Committee.