



# House of Representatives

General Assembly

**File No. 92**

January Session, 2009

Substitute House Bill No. 5019

*House of Representatives, March 19, 2009*

The Committee on Insurance and Real Estate reported through REP. FONTANA, S. of the 87th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT PROHIBITING THE USE OF CERTAIN PRESCRIPTION DRUG HISTORY AS AN UNDERWRITING TOOL TO DENY INDIVIDUAL HEALTH INSURANCE COVERAGE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (h) of section 38a-481 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *January 1, 2010*):

4 (h) No insurance company, fraternal benefit society, hospital service  
5 corporation, medical service corporation, health care center or other  
6 entity [which] that delivers, issues for delivery, amends, renews or  
7 continues an individual health insurance policy in this state [on or  
8 after October 1, 2003, may] shall: (1) [move] Move an insured  
9 individual from a standard underwriting classification to a  
10 substandard underwriting classification after the policy is issued; [or]  
11 (2) increase premium rates due to the claim experience or health status  
12 of an individual who is insured under the policy, except that the entity

13 may increase premium rates for all individuals in an underwriting  
14 classification due to the claim experience or health status of the  
15 underwriting classification as a whole; or (3) use an individual's  
16 history of taking a particular prescription drug for anxiety on a short-  
17 term basis as a factor in its underwriting unless such history derives  
18 directly from a medical diagnosis of an underlying condition.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2010	38a-481(h)

**INS**      *Joint Favorable Subst.*

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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

This bill does not result in a fiscal impact. It prohibits individual health insurance providers from using an individual's history of taking a particular prescription drug for anxiety on a short-term basis as a factor in its underwriting, unless usage derives from a medical diagnosis of an underlying condition.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****sHB 5019*****AN ACT PROHIBITING THE USE OF CERTAIN PRESCRIPTION  
DRUG HISTORY AS AN UNDERWRITING TOOL TO DENY  
INDIVIDUAL HEALTH INSURANCE COVERAGE.*****SUMMARY:**

This bill prohibits insurers or other entities in the individual health insurance market from using as an underwriting factor a person's history of taking a particular prescription drug for anxiety on a short-term basis. But it allows them to use such history if it derives directly from a medical diagnosis of an underlying condition.

By law, an insurer or entity cannot move an insured person from a standard underwriting classification to a substandard one after the policy is issued or increase premiums because of the person's claim experience or health status. The law allows for a premium increase that applies to all people in an underwriting classification as a whole.

The bill applies to each insurer, HMO, hospital or medical service corporation, or fraternal benefit society that delivers, issues, renews, amends, or continues an individual health insurance policy in Connecticut.

EFFECTIVE DATE: January 1, 2010

**COMMITTEE ACTION**

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/05/2009)