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PRESS RELEASE

INSURANCE

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1999 OCTOBER 5TH

**PRESS RELEASE ON THE NAC OPINION RELATING TO
"INSURANCE AND HIV"**

Alerted by nongovernmental organizations and a number of public figures, the National AIDS Council once more addressed issues raised by insurance cover for individuals living with HIV, issuing an Opinion and a Report.

The Council observes that the "Agreement on the Insurability of HIV-positive individuals", signed in 1991 between the public authorities and the insurers' representatives, has failed to enable thousands of individuals living with HIV/AIDS to obtain insurance cover, thus effectively disqualifying them economically and socially. Furthermore, it has not ensured the preservation of the confidentiality of medical information.

Obtaining personal insurance cover has become an ordinary and unavoidable act of everyday life, necessary to obtain short-term consumer loans. Those who declare themselves to be HIV-positive are thus automatically excluded from credit, despite the fact that the progress made on treatment means that being HIV-positive no longer makes sufferers unable to lead normal social lives.

This situation, with all its dramatic implications for individuals, is identical to that experienced by those suffering from other medical conditions : diabetics, patients in cancer remission, hepatitis C carriers or even the physically disabled. Will insurers be allowed in future years to use genetic tests when underwriting risks ?

To guarantee access to insurance for everybody, the National AIDS Council has defined nine proposals, including the following :

- the 1991 Agreement should be rescinded ;
- preservation of medical confidentiality ;
- elimination of health questionnaires for all consumer credit ;
- the creation of an office of mediator for personal insurance where other forms of credit are concerned.

RESCINDING THE 1991 AGREEMENT

The National AIDS Council recommends the removal of the discriminatory and ineffective system instituted by the 1991 Agreement and is therefore opposed to any updating of that Agreement in any way whatsoever : only solutions valid for all are ethically acceptable and socially responsible.

PRESERVATION OF MEDICAL CONFIDENTIALITY

The 1991 Agreement provided for a "Code of Good Practice" intended to prevent health questionnaires from being processed in the same way as other documents. This code is either not implemented or is so only partially. The criminal law provisions imposing sanctions for breaches of professional confidentiality, which seek only to punish after the fact, are not suited to the present context.

The National AIDS Council recommends specific regulations applicable to health-related documents, notably requiring administrative processing separate from the rest of the insurance application and preventing any distribution of such documents outside of insurers' medical departments.

PROHIBITION OF THE USE OF MEDICAL QUESTIONNAIRES FOR CONSUMER CREDIT

The Council recommends the elimination of health questionnaires for all consumer credit. The insurance involved is based on group policies – i.e. insurance cover provided through a credit institution for the generality of its borrowers. This means that the underwriting for such policies, against the background of the relationship between credit institution and insurer, depends less on knowledge of individual cases than on an assessment of the overall risk. Considering the small amount involved in each credit application, the pooling of risk involved in a group policy would not prevent insurers from estimating risk.

THE CREATION OF AN OFFICE OF PERSONAL INSURANCE MEDIATOR FOR ALL LOANS INVOLVING SIGNIFICANT AMOUNTS

Any individual encountering difficulties in obtaining insurance, irrespective of the medical condition involved, could call upon a mediator appointed by the public authorities.

The mediator would be assisted by a joint commission comprising insurers' representatives, banks, associations of patients, disabled persons and consumers, clinicians and epidemiologists, on whose medical expertise the mediator could draw. He would also have the task of alerting public opinion.