

Commonwealth of Virginia

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STATE CORPORATION COMMISSION BUREAU OF INSURANCE

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Administrative Letter 1996-11

To: All Insurers Licensed to Write Life Insurance or Accident and Sickness Insurance, Health Maintenance Organizations and Health Service Plans Operating in Virginia

Re: 14 VAC 5-180-10 (Formerly Insurance Regulation No. 34) - Rules Governing Underwriting Practices and Coverage Limitations and Exclusions for Acquired Immunodeficiency Syndrome (AIDS)

14 VAC 5-180-50.C.6 (formerly section 6.C.6. of Regulation No. 34) of the cited regulation provides the minimum test protocol that must be followed before an adverse underwriting decision may be made on the basis of positive HIV-related test results. This test protocol consists of (i) two positive enzyme - linked immunosorbent assay (ELISA) tests, followed by (ii) one Western Blot.

The Bureau of Insurance has recently become aware that the Food and Drug Administration has approved an oral fluid test for professional use in confirming the presence of HIV antibodies. The test protocol for the recently approved test is the same as that provided in 14 VAC 5-180-50.C.6.

The purpose of this letter is to inform you that the oral fluid test may be used to comply with 14 VAC 5-180-50.C.6. so long as the test protocol set forth in the regulation is followed. Blood tests that follow the test protocol may continue to be used.

Questions concerning any of the above should be directed to:

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Very truly yours,

Alfred W. Gross
Acting Commissioner of Insurance

