

§ 1389.1. Applications for coverage; HIV test prohibition

(a) The director shall not approve any plan contract unless the director finds that the application conforms to both of the following requirements:

(1) All applications for coverage which include health-related questions shall contain clear and unambiguous questions designed to ascertain the health condition or history of the applicant.

(2) The application questions related to an applicant's health shall be based on medical information that is reasonable and necessary for medical underwriting purposes. The application shall include a prominently displayed notice that shall read:

“California law prohibits an HIV test from being required or used by health care service plans as a condition of obtaining coverage.”

(b) Nothing in this section shall authorize the director to establish or require a single or standard application form for application questions.

HISTORY:

Added Stats 1993 ch 1210 § 3 (AB 1100).
Amended Stats 1999 ch 525 § 136 (AB 78),

effective January 1, 2000, operative July 1, 2000.