

# Saving Money on Your Insurance

BY JOSE MONTE MAYOR

TEXAS COMMISSIONER OF INSURANCE

## *Insurance Rights of Texans with Disabilities*

**M**ANY OF THE ALMOST three million Texans with disabilities have difficulty getting the insurance most of us take for granted. Texas law, however, offers them certain protections against unfair discrimination.

In addition, there are laws and rules designed to help Texans with disabilities gain access to health care coverages they might not otherwise receive.

The Texas Department of Insurance's brochure, *Insurance for Texans with Disabilities*, explains the insurance rights of persons with disabilities and answers insurance accessibility questions. The brochure is available in English and Spanish at our Web site [www.tdi.state.tx.us](http://www.tdi.state.tx.us) or by calling our toll-free publications line, **800-599-SHOP** (7467).

*Texas Insurance Code* Articles 21.21-6 and 21.21-8, which are accessible through our Web site, protect people with disabilities against unfair discrimination.

In essence, these laws keep an insurance company from turning down applicants because of their disabilities unless it can prove that these disabilities make the applicants more likely to have claims than other consumers the company is willing to insure.

In other words, a person's ability to buy insurance should not be affected by a disability that does not increase his or her risk of having a claim.

For example, it would be reasonable to deny an automobile insurance policy because of an applicant's uncorrectable visual impairment. But a company cannot reject a person's application for health insurance solely because he or she is visually impaired.

Similarly, an insurance company cannot refuse to renew a policy, limit coverage or charge a higher premium because of a disability unless the company can prove that the disability makes a customer a higher claim risk than other people.

Remember, the burden of proof is on the company. A person with a disability should ask the company for any evidence it is using to prove that the disability increases the likelihood of future claims.

People who believe they are being treated unfairly because of a disability can complain to

the Texas Department of Insurance (TDI), which will investigate and try to resolve the complaint. Printed complaint forms can be obtained by calling our **Consumer Help Line, 800-252-3439**.

Our Web site has an electronic complaint form that can be completed on a computer screen and sent to TDI over the Internet.

Health insurance is an area where people with disabilities often have difficulty because of pre-existing medical conditions. Individual policies or association policies may permanently exclude coverage of pre-existing conditions or require a wait of up to two years before covering them. Employer plans may exclude them for up to a year and Medicare supplement policies and long-term care policies for up to six months. HMOs, however, may not impose waiting periods for coverage of pre-existing conditions.

It's important to be truthful about pre-existing conditions when applying for health care coverage. Failure to disclose them could jeopardize future claims or result in policy cancellation.

People whose disabilities or other pre-existing medical conditions make them uninsurable may be able to get coverage from the Texas Health Insurance Risk Pool. For information and applications call **888-398-3927** or go to the pool's Web site, [www.txhealthpool.com](http://www.txhealthpool.com).

Texans with disabilities who work for small employers are protected by a "guaranteed issue" law. Under this law, an insurer or HMO cannot turn down a health insurance application from a business with two to 50 workers because of the medical condition of one or more employees.

A person under 65 receiving Medicare because of a disability has special rights with respect to Medicare supplement ("Medigap") insurance. If a person applies for Medigap insurance within six months after enrolling in Medicare Part B, an insurer cannot deny him or her a basic Medigap Plan A policy because of pre-existing conditions. Insurers, of course, may also offer such "open enrollment" for other plans if they wish.

TDI's *Medicare Supplement Insurance Handbook & Rate Guide* includes rates for Medigap policies marketed to people with disabilities. ★

### **Editors:**

- If you need further information, call:  
**Texas Department of Insurance  
Public Information Office  
(512) 463-6425**

*We welcome your questions and suggestions about this column.*