



COMMONWEALTH OF MASSACHUSETTS

Executive Office of Consumer Affairs

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Bulletin No. 96-01

TO: Insurance Brokers, Commercial Insurers, Blue Cross and Blue Shield of Massachusetts (BCBSMA), and Health Maintenance Organizations (HMOs)

FROM: Linda Ruthardt, Commissioner of Insurance

DATE: January 11, 1996

RE: Laws New Preventing Discrimination Against Victims of Domestic Violence

Several laws have been enacted which prohibit insurance agents and brokers, insurance carriers, BCBSMA, and HMOs from discriminating against an individual who has been a victim of abuse as defined in M.G.L. c. 209A.

The laws, effective July 1, 1995, essentially state that no insurance company or officer thereof, BCBSMA, HMO, or insurance agent or broker shall cancel, refuse to issue or renew, or in any way make or permit any distinction or discrimination in the amount or payment of premiums or rates charged, in the length of coverage, or in any other of the terms and conditions of the types of policies set forth below based upon information that an individual has been a victim of abuse as defined by M.G.L. c. 209A.

In addition, no insurance company or officer thereof, BCBSMA, HMO, or insurance agent or broker shall seek information that an individual has been a victim of abuse as defined by M.G.L. c. 209A. The practices prohibited apply to practices which are both overtly discriminatory and practices which are fair in form but discriminatory in practice.

The statutes references are as follows:

M.G.L. c. 175 § 95B (added by St. 1995, c. 38 § 152) which applies to *residential property insurance* on property within the Commonwealth.

M.G.L. c. 175 § 108G (added by St. 1995, c. 38 § 153) which applies to *individual policies of accident and sickness insurance* issued pursuant to M.G.L. c. 175 § 108; *group blanket policies of accident and sickness insurance* issued pursuant to M.G.L. c. 175 § 110; and *policies providing coverage against disability* from injury or disease.

M.G.L. c. 175 § 120D (added by St. 1995, c. 38 § 154) which applies to *policies of life insurance or endowment insurance* on the life of any person residing within the Commonwealth who has applied for or consented in writing to the purchase of such coverage.

M.G.L. c. 176A § 3A and M.G.L. c. 176B § 5A, (added by St. 1995, c. 38 § 155 and St. 1995, c. 38 § 156) which apply to *hospital service plans and medical service plans issued by Blue Cross and Blue Shield*.

M.G.L. c. 176G § 19 (added by St. 1995, c. 38 § 158) which applies to *health maintenance contracts*.

This Bulletin is intended to provide notice of these anti-discrimination statutory provisions to insurance agents and brokers, insurance carriers, BCBSMA, and HMOs. The wording of the statutes cited above are similar but not identical. Therefore, please refer to each specific statute for a full description of what is required by each.