



BUREAU OF INSURANCE

July 1, 1998

Administrative Letter 1998 - 3

**TO: All insurers licensed to write Life Insurance and Accident and Sickness Insurance, Health Maintenance Organizations and Health Service Plans Operating in Virginia.**

**RE: 14 VAC 5-180-10 (formerly Regulation Number 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 Number 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. In Administrative Letter 1996-11, the Bureau added the oral fluid test as an acceptable test to comply with 14 VAC 5-180-50 C 6.

The Bureau of Insurance has recently become aware that the Food and Drug Administration has approved Urine Antibody Testing 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 urine 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 and oral fluid tests that follow the test protocol may continue to be used.

Questions concerning any of the above should be direct to:

Mr. Robert L. Wright, III, Principal Insurance Analyst  
State Corporation Commission  
Commonwealth of Virginia  
Bureau of Insurance  
Post Office Box 1157  
Richmond, VA 23218 (804-371-9074)

Sincerely,

Alfred W. Gross  
Commissioner of Insurance