



**Department of Business Regulation**  
***Insurance Division***  
1511 Pontiac Avenue, Bldg. 69-2  
Cranston, Rhode Island 02920

## **Insurance Bulletin Number 2019-2**

### Prescription Information Used in Underwriting of Life Insurance

The purpose of this Bulletin is to provide guidance to insurers underwriting life insurance policies and annuity contracts, accident and sickness policies concerning how insurers consider information about an applicant's obtaining (1) certain medications that are not relevant to a potential applicant's health, and (2) other medications prescribed to prevent certain illnesses or diseases. The Division expects that insurers will not adversely evaluate any application solely because the applicant may have obtained any such medications.

#### Prescriptions Not Relevant to the Applicant's Health

Rhode Island, like many other jurisdictions, is pursuing all possible steps to address the opioid use public health crisis that has impacted our state and country. As part of that effort state law proscribes for the broad distribution of naloxone (Narcan) within the state. In 2014 [RICR 216-20-20-5](#) was enacted and provided that naloxone (Narcan) may be prescribed to persons other than the individual who has the potential for overdosing on opioids. However, the transaction dispensing naloxone (Narcan) is attributable to the person purchasing it, who may or may not be the person the drug is intended for.

#### Prescriptions Designed to Prevent Diseases

The Division is aware that there are medications that may be used to both prevent certain illnesses or diseases from impacting an individual and to treat an infected individual. As an example, a combination of emtricitabine and tenofovir not only treats HIV infection, it is a pre-exposure prophylactic to prevent HIV infections. As such, it may be prescribed to persons who have not been infected with HIV. Such prescriptions are like vaccinations, which are intended to address a potential public health problem by reducing the individual's risk of being impacted by a disease or illness that is addressed by the pre-exposure prophylactic. These prescriptions may be written to prevent an illness or disease from occurring or to treat an existing illness or disease.

## Use of Prescription Information in Underwriting

The Division understands that in the course of reviewing an application for an individual accident or sickness policy, life insurance policy or annuity contract, insurers collect and consider information about the applicant's medical history, including information about the applicant's use of prescription medications. Insurers need to be aware that Rhode Island law permits the purchase of naloxone rescue kits by a family member, friend or other person in a position to assist a person at risk of experiencing an opiate-related overdose, and therefore persons without substance use disorder may have prescriptions for or purchase naloxone in order to assist others. Insurers also need to be aware that prescriptions for medications such as emtricitabine/tenofovir may be intended to prevent, not treat an existing illness or disease.

The Division is issuing this Bulletin to highlight that these prescriptions are different from other prescriptions written, as the medication may be issued to a named individual for use by a different individual or prescribed to specifically prevent illness or disease.

The Division expects that prior to making an underwriting decision, insurers will obtain information sufficient to determine if an applicant has obtained a prescription for a medication that is not relevant to the applicant's health or is designed to prevent disease. It would defeat the state's important public health efforts if applications for individual accident and sickness insurance policies, life insurance policies and annuity contracts were unfavorably impacted solely because the applicant had obtained naloxone or some other opioid antagonist to address opioid overdoses of other persons or had a prescription written to prevent illness or disease. We expect insurers to carefully consider the reason for and intended user of the prescription prior to issuing an underwriting decision.

If you have any questions, please contact the Department at [dbr.insurance@dbr.ri.gov](mailto:dbr.insurance@dbr.ri.gov).

Elizabeth Kelleher Dwyer  
Superintendent of Insurance  
March 12, 2019