Ohio Administrative Code

Rule 3901-8-06 HIV model consent form.

Effective: November 16, 2023

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(A) Purpose

The purpose of this rule is to establish the form and content of the written consent form an insurer uses in order to obtain an applicant's consent to an HIV test.

(B) Authority

This rule is promulgated pursuant to the authority vested in the superintendent under section 3901.041 of the Revised Code.

(C) Applicability

This rule applies to all insurers permitted by Chapter 3901. of the Revised Code to require applicants for life or sickness and accident insurance coverage to submit to an HIV test.

(D) Definitions

(1) "AIDS" means the illness designated as acquired immune deficiency syndrome.

(2) "HIV" means the human immunodeficiency virus identified as the causative agent of AIDS.

(3) "HIV test" means any test for the antibody or antigen to HIV that has been approved by the director of health under division (B) of section 3701.241 of the Revised Code.

(4) "Insurer" means any person authorized to engage in the business of life or sickness and accident insurance under Title XXXIX of the Revised Code or any person or governmental entity providing health services coverage for individuals on a self-insurance basis.

(E) Written consent to HIV test

Division (B)(1) of section 3901.46 of the Revised Code, provides that an insurer that requests an applicant to take an HIV test shall obtain the applicant's written consent for the test and shall inform the applicant of the purpose of the test.

In obtaining the applicant's written consent to an HIV test, the insurer must use the exact form set forth in appendix I to this rule.

(F) Severability If any portion of this rule or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule or related rules which can be given effect without the invalid portion or application, and to this end the provisions of this rule are severable.