

**304.17A-230 Pre-existing condition exclusion in individual market -- Prohibition against use of genetic information -- Administrative regulations.**

- (1) A health insurer offering individual health benefit plan coverage in the individual market in the Commonwealth shall not impose any pre-existing conditions exclusions as to any eligible individual.
- (2) Each health insurer offering individual health benefit plan coverage in the individual market in the Commonwealth that chooses to impose a pre-existing conditions exclusion on individuals who do not meet the definition of eligible individual shall comply with the provisions of KRS 304.17A-220, which establishes standards and requirements for pre-existing conditions exclusions for group health plans, including crediting previous coverage, and certification of coverage. Pregnancy may be considered to be a pre-existing condition.
- (3) Genetic information shall not be treated as a pre-existing condition in the absence of a diagnosis of the condition related to the information.
- (4) The Department of Insurance shall promulgate administrative regulations necessary to carry out the provisions of this section and KRS 304.17A-220.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 1219, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 253, sec. 3, effective July 12, 2006. -- Created 1998 Ky. Acts ch. 496, sec. 5, effective April 10, 1998.