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## Delegate wants to ban gender factor in health insurance

By [Alison Knezevich](#)

Staff writer

CHARLESTON, W.Va. -- A 40-year-old man smokes. A woman the same age doesn't light up.

In West Virginia and most other states, insurance companies that sell directly to consumers can still charge the woman more for health coverage.

In fact, the [National Women's Law Center](#) found that 70 percent of best-selling West Virginia health plans sold in the individual insurance market cost more for 40-year-old women who don't smoke than for men who do.

"There's something the matter with that picture," said Delegate Barbara Fleischauer, D-Monongalia.

About four decades ago, insurance companies stopped using race as a factor in setting rates. But state law still allows them to use gender to determine insurance costs.

Fleischauer is working on a bill that would ban insurance companies from using gender as a factor in determining rates. The legislative session begins Jan. 13.

She has studied the NWLC's reports on the difficulties women face in getting health coverage in the individual market.

In the individual market, people buy insurance directly from insurance companies, rather than getting it through their employers.

About 4 percent of West Virginia women get their health insurance that way, according to the NWLC. Often, they have lost their jobs or are self-employed, said NWLC senior counsel Lisa Codispoti.

"While the majority of people get their health coverage through their employers, it's still not an option for a lot of people in this country," she said.

Like most other states, West Virginia law also allows insurance companies that provide group coverage to gender-rate. Even though a woman can't be charged more for her premiums than a male co-worker, insurers still can consider the gender makeup of a work force when setting group rates.

That means insurance companies can charge more for employers in female-dominated fields, such as nursing and home health care, Codispoti said.

"We've even heard that some small school districts can be impacted by this," she said.

The insurance industry says it costs more to insure women because they use more health care. [Mountain State Blue Cross Blue Shield](#) President Fred Earley said all factors now allowed under insurance law in pricing are "actuarially valid."

Besides gender, other factors include age, geography and medical conditions, he said.

"What is done is done on an actuarially confirmed basis," he said. "A lot of it's maternity-driven, there's no question about it."

Once people reach their 50s, it typically costs more to insure men, he said.

The NWLC found that in West Virginia, individual health coverage for 55-year-olds costs between 1 and 16 percent less for women than for men the same age.

Codispoti said maternity costs can't explain all the differences in pricing. NWLC also studied maternity coverage in the individual market, finding that nearly 60 percent of policies it studied didn't offer it.

This summer, NWLC analyst Brigitte Courtot shared the center's West Virginia findings with state lawmakers.

Researchers had studied the state's best-selling health plans in Charleston, Huntington, Parkersburg and Wheeling. They found:

- Women age 25 were charged anywhere between 7 and 44 percent more than 25-year-old men for the same coverage.

- Women age 40 were charged between 13 and 34 percent more than men.

- Women age 55 were charged between 1 and 16 percent less than men.

Five states have banned individual-market insurance companies from using gender as a factor for setting rates: California, Minnesota, Montana, New Hampshire and North Dakota.

Six have prohibited the practice for group insurance: New York, Maine, Massachusetts, New Jersey, Oregon and Washington.

Earley said it would be "redundant" for West Virginia to pass legislation next year, because national lawmakers have already taken up the issue in the current health-care debate.

[America's Health Insurance Plans](#), which represents 1,300 insurance companies, supports provisions in national reform legislation that would end gender rating.

The U.S. House health bill would prohibit gender rating for both individual and group insurance plans. The Senate version would prohibit gender rating for individual plans and for groups up to 100.

But those reforms wouldn't take effect for several more years, Codispoti said.

"We're certainly encouraging states, 'Don't wait,'" she said. "Women are hurting now. It's discrimination, period, and women shouldn't have to wait to end that discrimination."

*Staff writer Kate Long contributed to this report. Reach Alison Knezevich at [alis...@wvgazette.com](mailto:alis...@wvgazette.com) or 304-348-1240.*

## STATE BRIEFS

### **Bill can remove bias from health insurance**

CHARLESTON — A House Democrat is hoping to level the playing field when it comes to health insurance.

Delegate Barbara Evans Fleischauer, D-Monongalia, said she will introduce a bill to stop insurance companies from charging women more for coverage. The National Women's Law Center found that 70 percent of West Virginia individual health plans cost more for women than men. West Virginia law also allows insurance companies that provide group coverage to base the rates on the gender makeup of the work force.