

Legislative History for Connecticut Act

<i>SB 790</i>	<i>PA 310</i>	<i>1979</i>
<i>House - 6835-6841</i>		<i>7</i>
<i>Senate - 2416-2418, 2587-2588</i>		<i>5</i>
<i>Insurance - 243-249, 262, 272-273</i>		<i>10</i>
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1979

VOL. 22
PART 20
6727-7076

House of Representatives

Wednesday, May 9, 1979

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SPEAKER ABATE:

The Bill as amended, passes.

CLERK:

Calendar 1073, File 466, Substitute for Senate Bill

790. AN ACT PROHIBITING INSURANCE DISCRIMINATION AGAINST THE
BLIND.

Favorable Report of the Committee on Insurance and Real
Estate.

REP. MASTRIANNI: (104th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Sylvio Mastrianni.

REP. MASTRIANNI: (104th)

Thank you, Mr. Speaker. Mr. Speaker, I move acceptance
of the Committee's Favorable Report and passage of the Bill
in concurrence with the Senate.

SPEAKER ABATE:

The question is on acceptance of the Joint Committee's
Favorable Report and passage of the Bill in concurrence with
the Senate. Will you remark, sir?

REP. MASTRIANNI: (104th)

Yes, Mr. Speaker. Mr. Speaker, the Clerk has an
Amendment, Senate Amendment LCO No. 8231. Would he please call

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and read?

SPEAKER ABATE:

The Clerk has in his possession, an Amendment, LCO 8231, previously designated Senate Amendment Schedule "A". Would the Clerk please simply call the Amendment?

CLERK:

LCO No. 8231, offered by Sen. Cunningham of the 27th.

REP. MASTRIANNI: (104th)

Please read.

SPEAKER ABATE:

The gentleman has requested leave of the Chamber to summarize this Amendment in lieu of Clerk's reading. Is there objection to summarization in lieu of reading? Is there objection? Hearing none, you may proceed with summarization of the Amendment, Rep. Mastrianni.

REP. MASTRIANNI: (104th)

Thank you, Mr. Speaker. Mr. Speaker, what this Amendment does, there's a new section 12, the wording is such, refusing to insure, refusing to continue to insure or limiting the amount extended or kind of coverage available to an individual or charging an individual a different rate for the kind of coverage solely because of blindness, except where refusal, limitation of rate and differential is based on a sound actuarial principal is related to an actual or reasonable anticipated experience.

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Mr. Speaker, I move adoption of the Amendment.

SPEAKER ABATE:

The question is on adoption of Senate Amendment Schedule "A". Will you remark further on its adoption? Will you remark further on the adoption of Senate Amendment Schedule "A"?

If not, all those in favor of its adoption, please indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER ABATE:

Opposed nay? The ayes have it. The Amendment is adopted and it is ruled technical.

Will you remark further on this Bill as amended by Senate Amendment Schedule "A"?

REP. MASTRIANNI: (104th)

Thank you Mr. Speaker.

SPEAKER ABATE:

Rep. Mastrianni.

REP. MASTRIANNI: (104th)

Mr. Speaker, we are again late. I'll make it short what this Bill really does is to eliminate present discrimination against the blind for insurance. I so move the passage of the Bill, Mr. Speaker.

SPEAKER ABATE:

Will you remark further on this Bill as amended by Senate "A"? Will you remark further on the Bill as amended by Senate Amendment Schedule "A"? If not...

REP. EMMONS: (101st)

Mr. Speaker, Mr. Speaker.

SPEAKER ABATE:

Rep. Linda Emmons.

REP. EMMONS: (101st)

Thank you, Mr. Speaker. My question to the proponent of the Bill.

SPEAKER ABATE:

State your question, please, Madam.

REP. EMMONS: (101st)

I have not been able to read Section 38-61, but I would inquire as to whether this new language applies to all types of insurance or only to certain types of insurance.

SPEAKER ABATE:

Rep. Mastrianni, will you respond to that question, sir?

REP. MASTRIANNI: (104th)

I would respond in this respect, Mr. Speaker. I believe that this here will only reflect new part of the bill for the blind.

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REP. EMMONS: (101st)

Excuse me, sir, I didn't hear him.

SPEAKER ABATE:

Rep. Mastrianni, would you respond again please, sir.

REP. MASTRIANNI: (104th)

Through you, Mr. Speaker, this new section will only include the Bill as stated for discrimination against the blind.

REP. EMMONS: (101st)

Yes, well Mr. Speaker, reframing the question. I realize that it only has to do with the blind, but does it have to do with insurance issued to a blind person for home coverage, or your household policy, your umbrella policy, your car insurance, life insurance, does it cover all spectrums of insurance?

SPEAKER ABATE:

Rep. Mastrianni, will you respond, sir?

REP. MASTRIANNI: (104th)

Through you, Mr. Speaker, I would say yes, but I don't believe a blind person could drive a car.

REP. EMMONS: (101st)

Excuse me, Mr. Speaker, they might own one.

REP. MASTRIANNI: (104th)

If they own one, fine, but as far as driving, no.

SPEAKER ABATE:

Rep. Emmons, you still have the floor.

Would the House please come to order? Would the House please come to order? Would the members please direct their attention to Rep. Linda Emmons who has the floor at this time and is directing questions to the proponent of this matter?

Rep. Emmons, will you proceed, Madam?

REP. EMMONS: (101st)

Thank you. I think you've answered by questions.

SPEAKER ABATE:

Will you remark further on this Bill as amended by Senate "A"? Will you remark further on the Bill as amended?

If not, would all the members please be seated.

Would the members please be seated.

Would the staff and guests please come to the Well of the House.

The machine will be opened.

The House of Representatives is voting by roll at this time, would the members please return to the Chamber immediately.

The House of Representatives is voting by roll at this time, would the members please return to the Chamber immediately.

Have all the members voted?

Have all the members voted?

Would the members please check the roll call machine to determine if their vote is properly recorded?

The machine will be locked and the Clerk will take the tally.

REP. ANDERSON: (106th)

Mr. Speaker.

SPEAKER ABATE:

Rep. John Anderson.

REP. ANDERSON: (106th)

In the affirmative please.

SPEAKER ABATE:

The Journal will so note. Rep. Anderson has cast his vote in the affirmative.

The Clerk please announce the tally.

CLERK:

Senate Bill 790 with Senate Amendment Schedule "A".

Total number voting 134

Necessary for passage 68

Those voting yea 134

Those voting nay 0

Those absent and not voting 17

SPEAKER ABATE:

The Bill as amended passes.

CLERK:

Calendar Page 32. Calendar No. 388, Files No. 169, 317 and 705. Substitute for House Bill No. 6788. AN ACT CONCERNING

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CONNECTICUT
GEN. ASSEMBLY
SENATE

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Thursday, May 3, 1979

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THE CLERK:

Calendar 505, File 466, Favorable Report of the Joint Standing Committee on Insurance and Real Estate. Substitute for Senate Bill 790, An Act Prohibiting Insurance Discrimination Against the Blind.

SENATOR CUNNINGHAM:

Mr. President.

THE CHAIR:

Senator Cunningham.

SENATOR CUNNINGHAM:

Thank you, Mr. President. I'd like to move adoption of the committee's favorable report and passage of the bill.

THE CHAIR:

Question is on acceptance and passage. Will you remark, Senator Cunningham?

SENATOR CUNNINGHAM:

Mr. President, I believe the Clerk has an amendment.

THE CLERK:

Clerk has Senate Amendment Schedule "A", Substitute Senate Bill 790, LCO 8231 offered by Senator Cunningham. 8231.

SENATOR CUNNINGHAM:

Mr. President.

THE CHAIR:

Senator Cunningham.

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SENATOR CUNNINGHAM:

Thank you. I'd like to move adoption of this amendment.

THE CHAIR:

Question is on adoption of Senate "A". Will you remark, Senator Cunningham?

SENATOR CUNNINGHAM:

Mr. President, may the reading be waived and may I have permission to summarize the amendment?

THE CHAIR:

Without objection, it is so ordered. Proceed, Senator.

SENATOR CUNNINGHAM:

Thank you, Mr. President. The amendment is to place the question of the prohibition of insurance discrimination against the blind in sec. 3861 of the General Statutes by adding this prohibition as a section there. It basically is a section of the statutes having to do with unfair practices in insurance. I'd move adoption of this amendment.

THE CHAIR:

Question is on adoption of Senate "A". Will you remark further? Hearing no further remarks, those in favor indicate by saying aye. Those in opposition to? Senate "A" is amended. The bill is properly before us. Senator Cunningham, you have the floor.

SENATOR CUNNINGHAM:

Mr. President, the objective of this bill, is to prohibit

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unfair insurance discrimination against the blind. At public hearing there was substantial support for the bill. There is no opposition within the insurance industry to the passage of this bill, and I would urge that it be passed and if there is no opposition that it be placed on the consent calendar.

THE CHAIR:

Further discussion on the bill. Hearing none, the motion is to place the item on consent. Is there objection to the motion? Hearing none, it is so ordered. The item is on the consent calendar.

THE CLERK:

Calendar 510, File 488, Favorable Report of the Joint Standing Committee on Energy and Public Utilities. Senate Bill 132, An Act Concerning Expanded Telephone Service in Class I Calling Areas.

THE CHAIR:

Senator Prete.

SENATOR PRETE:

I move acceptance of the joint committee's favorable report and the passage of the bill.

THE CHAIR:

Question is on acceptance and passage. Will you remark, Senator Prete?

SENATOR PRETE:

Yes. This bill applies to the criteria used by the PUCA

HB 5464, HB 7864, HB 5880, HB 7661, SB 133, SB 790, SB 132, HB 6550, HB 6564,
SB 575, HB 7920, HB 7810, HB 5452, HB 7200, HB 7755, SB 1496, SB 710, SB 1509,
SB 1532, SB 1536, SB 1618, SB 1647, SB 1530, SB 870, SB 293, SB 497, SB 1473,
SB 1602, SB 1604, SB 364, SB 545, SB 1369, SB 1432, SB 1566, HB 7787, HB 7904,
HB 7624, HB 7900, HB 7619, HB 6001, HB 6835, HB 6977, HB 7742, HB 7751,
HB 7754, HB 7756, HB 5365, HB 5653, HB 5712, HB 5750, Thursday, May 3, 1979
HB 7843, HB 7319, SB 1593, SB 1556, SB 1483, HB 7617, HB 6752,
HB 6275, HB 7707, HB 5230, HB 7840, HB 7846, HB 7860, HB 7897,
HB 7618

calendars 754, 755, 756. On page 26, calendar 760. On page
 27, calendar 767, 769. On page 28, calendar 772. On page 29,
 calendars 782, 783, 785. On page 30, all items, 787, 788, 789,
 790, 791, 792 and on page 31, calendar 794.

SENATOR POST:

Mr. President.

THE CHAIR:

Senator Post.

SENATOR POST:

Mr. President, I would request that calendar No. 510 on SB 132
 the bottom of page 7, File No. 488 be removed from the consent
 calendar, Sir, ^{as} I would like to vote against that proposal.

THE CHAIR:

Bottom of page 7, calendar 510 is requested to be removed
 from the consent calendar. It is so ordered. Senator Prete.

SENATOR PRETE:

Calendar No. 510 was never on the consent calendar. Oh,
 yes, it was. Yes, it was. Sorry. That's my mistake.

THE CHAIR:

We will roll call that item first. Announce an immediate
 roll call in the Senate. Will all Senators take their seats,
 please. Announce an immediate roll call.

THE CLERK:

Immediate roll call in the Senate. Would all Senators
 please take their seats.

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THE CHAIR:

We are voting on an item removed from the consent calendar at the bottom of page 7, calendar 510. The machine is open. Have all Senators voted? Machine is closed. The Clerk will take a tally. The vote is 32 yea, 1 nay. The bill is passed. We shall now vote on today's consent calendar. Will all Senators please take their seats. The machine is open. Have all Senators voted on the consent calendar?

THE CLERK:

Senator Murphy.

THE CHAIR:

Have all Senators voted? Machine will closed. The Clerk will take a tally. The vote is 33 yea, 0 nay. Consent calendar is passed.

SENATOR LIEBERMAN:

Mr. President.

THE CHAIR:

Senator Lieberman.

SENATOR LIEBERMAN:

I move for suspension of the rules to allow for immediate transmittal to the House of those items that should go to the House.

THE CHAIR:

Question is suspending the rules for the immediate transmittal of all items that need further House action. Is there

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INSURANCE AND REAL ESTATE

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MR. SCHUMAN: (Continued)
medical examination, this I do know.

There are other things that possibly could be wrong besides vision correction. The eye leads to the brain and there are many complications which can be seen and I would want to get medical testimony on this issue for you, so that I think the medical profession's viewpoint is that when you look in the eye you're not looking merely for vision correction. That would be fairly poor preventive medicine.

REP. VANCE: All right, considering the same individual goes to an optometrist for what he thinks is a standard eye exam because he's got a vision problem or he thinks he needs glasses. Can not that same ophthalmologist, or I mean optometrist, determine if there is a disease and therefore refer the individual?

MR. SCHUMAN: An optometrist, by his state licensure is licensed to recognize deviations from the normal. And they do have the right to refer. What we're saying in this particular legislation is that the provider contract does not provide coverage at the present time for vision testing examinations. They provide coverage for the treatment of injury and diseased eyes. And to mandate that to cause that type of ophthalmological service being offered means that you must also offer optometric service, means that additional services in the provider contract would have to be provided and the competitive premiums of the people throughout this State who are covered under foundations would go up.

And that's the issue that we are talking to today. We are not comparing the optometric services, the ophthalmological services although we think there's misrepresentation in that, too.

REP. VANCE: Thank you.

MR. SCHUMAN: You're welcome.

REP. PALMIERI: Thank you, sir.

MR. SCHUMAN: Thank you.

REP. PALMIERI: William Patton.

WILLIAM PATTON: I'm William Patton, Executive Director of the State Board of Education and Services for the Blind, and I'm here today testifying officially on behalf of the Board in SB 790

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MR. PATTON: (Continued)
favor of Senate Bill 790 an act prohibiting insurance discrimination against the blind. Essentially the bill prohibits discrimination against blind persons in any form of insurance unless there is actuarial proof of a risk differential. In that event it would limit the different in cost to that actuarial information.

Blind persons do encounter discriminating practices in insurance and right now there is a national effort in many states going on to get this kind of legislation on the books, and this bill would mandate fair and equitable treatment and I would respectfully request your support. Thank you.

REP. PALMIERI: Sir.

MR. PATTON: Yes.

REP. PALMIERI: Where would you -- in what type of insurance would you say there is discrimination?

MR. PATTON: I have immediately following me several representatives of organizations for the blind who can I think, perhaps, give specific examples. I personally encountered this problem some years ago when there was, when a professional organization I belonged to offered a new blanket policy and I was refused simply on the basis of legal blindness, for no other reason.

And I pushed it and they changed their position, but I think this is the concern. Frequently people are denied insurance simply because they are legally blind without any actuarial proof that this creates a problem.

REP. PALMIERI: When you say blanket coverage, blanket policy, in what line, what phase? Life, health?

MR. PATTON: In this case it was life insurance.

REP. PALMIERI: Life insurance.

MR. PATTON: Yes.

REP. PALMIERI: Thank you.

MR. PATTON: Right.

REP. PALMIERI: Howard May.

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REV. MAY: My name is Reverend Howard E. May. I live in Willington, Connecticut. I'm President of the National Federation of the Blind of Connecticut, one of the six directors appointed by the Governor to the Board of Education and Services for the Blind, and more recently, since January, Chairman of the Advisory Board of the Library of the Blind and Physically Handicapped.

I come to support this bill 790 and 6910. You know, blind people need help, and I guess the women do too. The National Federation of the Blind, nationally has been promoting this insurance regulations prohibiting discrimination against blind people in the field of insurance, and it's come now to the place for working through the National Insurance Commissioner's Association. We've agreed on forms of regulation, which can be pretty consistent nationwide. Commissioner Mike has agreed to the regulations and I guess in this bill we are asking authorization for the Commissioner of Insurance in Connecticut to issue and enforce such regulations.

Belt 4

Very briefly, in answer to the question a moment ago. Blind people have been discriminated against in the insurance field in past years broadly and in all forms of insurance. The situation has improved in the last few years, and there are many companies now willing to write insurance for blind people on an equal par with the sighted, in terms of actuarial risks.

However, there is still discrimination right now. You ask what kind? Blind people often are refused permission to buy insurance when they fly on commercial airplanes, just because they're blind. We have people who are refused fire insurance, because a blind person owns the house.

We have people who have been refused life insurance or sold life insurance on written-up premium rates. There are -- one of the members of our Board of Directors of the Board of Education, Services for the Blind, admitted that only a short time ago when he wanted to buy some life insurance they quoted it to him at a written up rate. So he went to another carrier which did sell it to him at the proper rate. The point is, it is still happening.

Many carriers are doing right by the blind, but many of them still are not, and we're disturbed because we feel that this should not be.

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REV. MAY: (Continued)

Now, I think the insurance carriers have no malicious intent, but the result is malicious. When we can't buy insurance. And sometimes perhaps we falsely accuse the insurance carriers, but right here in this Connecticut Legislature two years ago, somebody attempted to re-write the, what we call the White-Kean Statutes, the Civil Rights Statutes for the Blind and Handicapped, pertaining to group insurance in business and industry so as to exclude the blind and handicapped from the provisions of that group insurance where they worked.

Somebody is trying still, you see, to write us out because of their stereotyped thinking. It's not malicious in intent, but its result is malicious, and I think that basically rises from the fact that many business, government, industrial people feel that a blind guy is just a poor, helpless, incompetent character who really doesn't know enough to stay out of the way of automobiles or to go up and down the stairs by himself. He's just not a good risk.

But there are no actuarial statistics because the insurance carriers have never sold enough insurance to have any statistics. We are claiming that the majority of blind people who have been trained in mobility and how to take care of themselves actually are as safe as anybody else, whether it's on the street or in a building or in a factory or anywhere else.

If a blind person has the intestinal fortitude and the courage to go out on the street, or to go into a factory, it will take him only a very brief day or two to find his way around safely and effectively and nobody has to lead him by the hand. If he hasn't got the guts to get out of his arm chair, then it doesn't make any difference anyhow. He's a perfect risk because he ain't going anywhere.

Therefore, gentlemen, what we are asking is that you make it possible for blind people to buy insurance without regard to their blindness. Now if a blind guy wants to drive a bus, I don't recommend that you provide him liability insurance, but I don't think the transportation companies are going to hire him, so you're safe.

We have to look at these individually. Now, some like myself, are blind because of diabetes. I've never been able to buy insurance long before I was blind because of diabetes and you're still holding that over my head and so far I've outsmarted you, I'm still here. So many insurance companies have come to me

REV. MAY: (Continued)

to sell me insurance and when I said that nasty word, diabetes, you all ran like scared pigs for the coroner. I don't have insurance except through the group of which I am a part.

I'm sorry about this, I wish I did have it. I do have fire insurance on my house, I have automobile insurance on my cars and this has never been questioned, but I strongly suspect it was never questioned because I was sighted for a long time when I purchased the insurance and it's simply been carried over.

We have friends here who have policies on themselves, life and so forth, some of them at written up rates, and sometimes we don't know whether they're written up or whether they're not written up. This is the situation. We therefore, of the National Federation of the Blind, and the blind people of this State, request that you pass the bill, in order to give the Insurance Commissioner a handle on any kind of discriminatory cases that may arise. We don't expect many, but when they arise we've got in law and regulations, a handle on the problem that does exist.

I'll leave my testimony here, Mr. Chairman. I thank you for your attention and there are a couple of others I hope who are coming behind me, and thank you again.

REP. PALMIERI: Are there any questions of Mr. May? Thank you, sir. Shirley Lebowitz.

SHIRLEY LEBOWITZ: Mr. Chairman and members of the Committee, it's pretty hard to follow a fellow like Howard May, and I will try in my testimony not to be redundant.

My name is Shirley Lebowitz. I reside in West Hartford. Nine years ago I joined the National Federation of the Blind, and since that time at various times I have served on the Executive Committee of the state, national and local levels. SB 790

In 1973, I was appointed as one of the six directors of the Board of Education and Services for the Blind, a state agency, the only state agency which meets the needs of the blind of every age in the State of Connecticut. I am Chairperson Pro-tem of the West Hartford Advisory Committee on the Handicapped. I have been blind for 31 years. Through special training and use of alternate techniques, a blind person can cope with his

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MS. LEBOWITZ: (Continued)
disability.

However, it is more difficult to cope with the prejudices and the misunderstandings which cause discrimination against us in various areas. It often takes an act of Congress or legislation by State legislators to help us remove this stumbling block.

In 1973, the National Federation of the Blind of Connecticut brought to the attention of the State Legislature, the discriminations against the blind and physically disabled in the areas of housing, employment and access to public places. This resulted in the passage of Public Act 73-279, an act concerning the rights of the blind and physically disabled. We come before you today, seeking legislation to prohibit the practice of discrimination against the blind in the sale and rating of insurance.

The bill has the full support of Insurance Commissioner Joseph Mike. Too often, blind people are denied the sale of insurance or if they are lucky enough to get the insurance, they find it rated up, merely on the grounds of blindness. The blind person who is supporting a family has the same need to protect that family in the event of death as the sighted breadwinner. Blindness in itself does not cause a weakening of the body. Blind people are not more prone to disease. Blindness does not bring on premature death. It is simply the characteristic which causes the inability to see.

If the insurance companies cannot produce actuarial data to the contrary, we must prohibit the practice of discrimination in the sale and rating of insurance to the blind. On behalf of blind people of the State of Connecticut, I urge your passage of Bill 790, an act concerning discrimination in insurance against the blind, and urge that you work toward this passage through the State Legislature and for the signature of the Governor.

Thank you very much for your time.

REP. PALMIERI: Are there any questions? Thank you, Miss Lebowitz. Mary Main.

MARY MAIN: Mr. Chairman, ladies and gentlemen, my name is Mary Main. I am President of the Stamford area chapter of the National Federation of the Blind. And there is little left

MS. MAIN: (Continued)

for me to say after the two previous speakers. But one of the things, I think a good many sighted people who have had no contact with the blind imagine they are more prone to accidents and to illness.

Some twenty-five or thirty years ago, I applied to health insurance and was denied it. I was too naive at the time to guess the reason, and I was surprised because I have remarkably good health record.

I applied again a little while later, again it was refused me. It was their loss: I've hardly been inside a hospital since those days. Perhaps they thought I was prone to accidents, since using the white cane I have had only one accident. I fell on the stairs and broke my wrist. I was dizzy because I had flu, but of course everybody thought it was because I was blind.

When you're blind and you have an accident, it's always supposed to be because you're blind. But blindness does not make us more prone to accidents. We learn the hard way to be careful. I've had many small accidents bumping my head and so forth, but no either illness nor accidents in all those years except that one accident.

I may point out also that blind people never drive cars when they're under the influence of alcohol. We live mostly very modest and careful lives. I have no more to say.

REP. PALMIERI: Thank you very much. You had a lot to say.
Edward Pinn.

Belt 5
EDWARD PINN: Mr. Chairman, and members of this Committee, I'm Dr. Edward Pinn, an optometrist practicing in Old Saybrook, a member of the State Board of Examiners in Optometry. I'm here today as a representative for Optometry, a profession licensed under Chapter 380 of the Connecticut General Statutes, and engaged in providing a primary point of entry to health care.

I would like to speak for inclusion of optometric care in the Connecticut Foundations for Medical Health Care, as provided in Senate Bill 1409.

Without entering into a lengthy dissertation, I'd like to direct the Committee's attention to the Optometry position

MR. FREEDMAN: (continued)

In conclusion, the Connecticut insurance companies welcome the competition that Blue Cross Blue Shield would bring to the life insurance business. The competitors should compete on an equal basis. If Blue Cross wants to compete on an equal footing, it may be that the time is right to reexamine the special treatment that Blue Cross Blue Shield has received all these years. Thank you.

SEN. MURPHY: Are there any questions of Mr. Freedman? Senator Cunningham.

SEN. CUNNINGHAM: I'd like to inquire as to whether you've examined Senate Bill 790?

MR. FREEDMAN: Which is, Senator Cunningham?

SEN. CUNNINGHAM: Which regards discrimination against the blind.

MR. FREEDMAN: We have examined it, Senator Cunningham, and we take no position on this bill except for the fact that there is a section in the General Statutes which deals with unfair discrimination by insurance companies. I think if the purpose of this particular bill is unfair discrimination against the blind then we would not oppose the bill.

SEN. CUNNINGHAM: Thank you.

SEN. MURPHY: Are there any other questions?

REP. VANCE: Yes, Senator, please.

SEN. MURPHY: Yes, go ahead.

REP. VANCE: As you went through some of the bills, you rather quickly went over one and I'd like to ask you a question further on it. 5821. I think the intent of this bill was to direct toward insurance by municipalities. Would that have any effect on the previous comments that you made? The bill itself is not very specific, but it seems to me that I do recall --

MR. FREEDMAN: That particular -- Representative Vance -- that particular section of the statutes 201c requires that fire insurance rates be based upon the past and prospective experience. Whether the bill is directed at municipalities

MR. TYLER: (continued)

idea that they don't have to have their lawyer standing over their shoulders to read and understand it. Maybe on one hand I shouldn't speak in favor of this it is a competitive edge right now, but I think from the standpoint of the consumers of the state that they would be well served by the fact that it is being done by at least one company and there is no reason why the other companies can't do the same thing.

MR. One bill I had not planned to speak, but I'm very familiar with it and I'd like to speak on it, and that's Bill 790 dealing with the blind. I happened to have been born with congenial cataracts as the result of my mother having German measles during her pregnancy, and this has presented some interesting situations in my lifetime. Because at one time, my eyesight was something like 22/100 in one eye and 20/100 in another eye. My dad even went so far as to lie on an insurance -- life insurance policy application saying that I didn't have any problem and the amount was low enough that it didn't happen to be examined, and the funny part about it is that it happened to have been New York Life. (laughter) But, anyway, that's how some people were forced to get insurance and then they'd just pray they'd just live out the incontestability period. I think one of the reasons my dad happened to pick New York Life was that at the time they had a one year inconstestibility period. (laughter)

MR. This is a problem. To give you an example of how you can be discriminated against. They have developed eye drops which literally dilate my pupils which allowed me to see around the cataracts to where now I function with an eyesight of 20/25. I have worked my way through college driving professionally for a moving company. I'm originally from Arizona and the licensing practices out there are that we had to get licenses, Class A licenses, every single year. Not just once in a lifetime. And, I passed that without any glasses, no restrictions.

MR. The interesting about it now is I am in possession of a policy on disability income which waive anything dealing with eyes, so one of the problems I'm in jeopardy with, as an example, is the fact that suppose I'm in an auto accident. I can see the insurance company if they don't want to pay saying well, this was caused because you didn't see as well as you could of. And, so I wind up, because of this waiver, being rather arbitrary in my mind because of the fact that I can function very normally. I wind up in jeopardy in other areas. And I think it's a very legitimate problem. I think that the

MR. TYLER: (continued)

insurance companies should be required to prove actuarially that a given condition dealing with sight results in the type of charge or rejection that they might make.

Those are essentially my three points.

SEN. MURPHY: Thank you. Are there any questions of Mr. Tyler?

MR. TYLER: I would like to just make one added point going back to number one, on the Blue Cross Blue Shield. I think -- I'm a little bit concerned about one -- a couple of things (SB 447) I see happening right now. I am concerned about a couple of -- a situation whereby people are buying some of this direct mail flat payment policies for hospital stays and some people have actually gotten the impression that they -- that is going to pay anything in addition to the cost of the hospital. They think that that policy is actually going to pay for the cost of the hospital plus the \$45 a day, or whatever it is. I think it ought to be made clear exactly what these policies do pay for. I think that is a legitimate problem that I find in the marketplace. Thank you.

REP. PALMIERI: Thank you. Chuck Watson.

MR. WATSON: Senator Murphy, Senator Palmieri, or Representative Palmieri, excuse me, members of the Insurance and Real Estate Committee, my name is Charles Watson. I am a resident of Wethersfield, president of the Arthur A. Watson & Company, an insurance agency in Wethersfield. I'm also president of the Independent Insurance Agents of Connecticut, an association that represents over 4,000 agents and their employees in this state.

I like to speak on three bills. The first bill is proposed House Bill 6757, an act concerning the comingling of funds by insurance agents and brokers. This is not the first time that this proposal has been presented to your committee for consideration. As in the past, we continue to state that we see no need for this legislation. Many of our independent insurance agents are one and two producer agencies and, therefore, are very small businessmen. It would be quite a burden and an unnecessary expenditure of money on their part to get involved in the separation of funds. There is a statute now 38-92a which requires an insurance company who has not received the premiums from the agency within 30 days of the due date