

MEDICAL SECTION INSIDER

The Latest News from the ACLI Medical Section



Tucson, Arizona; Site of the
ACLI Medical Section Annual Meeting 2023

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FROM THE PAST SECTION CHAIR

Mark Vincent, M. D.

New York Life, Past ACLI Medical Section Chair

Greetings to all of you! I hope that your summer has gone well and that you have been able to take some time off to relax with friends and family.

On account of the pandemic, and the inability to have our 2020 meeting in person, I happily served as your Chair for a second year. Fortunately, we were able to gather together again this past February in San Antonio; if you were able to attend, I hope you found it worthwhile.

And so, we are well into our planning for the 2023 meeting in Tucson, Arizona. In the capable hands of your new Chair, Dr. Mark Lewy and Program Chair, Dr. Dave Rengachary, we will be producing another stellar program in conjunction with the University of Arizona School of Medicine.

I can't stress enough the fact that we could not pull off these conferences without our awesome ACLI staff, including Liz Cookson, Chandler Chastain and Geneva Barber. When you see them at the meeting, please thank them for their hard work.

Best wishes for the remainder of the year, stay healthy and we look forward to seeing you in Tucson!

PROGRAM COMMITTEE CHAIR

Dave Rengachary, M.D.

RGA, ACLI Medical Section Program Committee Chair



I am beyond proud to serve as program chair for the 2023 ACLI Medical Section Annual Meeting in conjunction this year with the University of Arizona School of Medicine! The ACLI Medical Section has a well-deserved reputation for presenting a medical program that delivers leading edge updates from academic clinicians, regulatory intersections, and industry trends. Accordingly, the meeting has attracted an increasingly wide group of attendees including of course medical directors but also representatives from underwriting, data analytics and numerous other specialties.

This is a fascinating year to be developing a scientific program. While we had hoped that COVID-19 would be in the rear-view mirror, there is now constant talk of "new normal" with very little consensus of what normal now means. Medical directors are challenged with adapting a risk approach developed in the midst of a pandemic to an endemic landscape. Accordingly, the program will focus not only on the long-term outcomes related to COVID-19 but the myriad of secondary and tertiary potential drivers of morbidity and mortality emerging during the pandemic, such as substance abuse and mental health disorders.

Thankfully, medical advances have not been lost in the process. We have seen significant leaps forward in the ability to screen for cancer with multi-cancer detection testing, to treat cardiac rhythm disturbances, and precision medicine often incorporating genetic variations into treatment considerations. Each of these will be covered in this year's program.

The ACLI Annual Medical Section also has a unique track of highlighting local issues and leveraging strong local academic subject matter expertise. This year, the program will thus include a deep dive into infectious diseases of the southwest as well as a session on integrative medicine with emphasis on testosterone therapy and related supplements.

We have all learned over the last few years to be flexible and ready to pivot at a moment's notice. The program committee is no exception. Let's use that challenge to our advantage: please reach out to me directly (drengachary@rgare.com) if you have suggestions for this year's program should we have the need.

I very much look forward to seeing you in February in warm Tucson, Arizona!

FROM THE SECTION CHAIR

Mark H. Lewy, M.D.

Guardian, ACLI Medical Section Chair

This has been an excellent year for the Medical Section of the ACLI. Day in and day out we medical directors demonstrate our value to our companies by evaluating complex medical cases, determining the medical requirements for applicants, negotiating with vendors, and advising upper management on the medical issues of the day. In addition, we have been heavily involved with the ACLI supporting the life insurance industry's ability to underwrite fairly and justly. Many of our members have worked hard over the last few years educating legislators and regulators on how the medical underwriting process works. We are seen as honest, respected, and knowledgeable members of the team. I have found my participation with ACLI enjoyable and rewarding. For anybody interested in this aspect of insurance medicine, please contact me or other members of the Medical Section Board or Program Committee.

I am pleased to announce that the 2023 Medical Section Meeting and Scientific Program will be held at the Loew's Ventana Resort in Tucson, Arizona, February 11-14. Last year's meeting had a superb scientific program. It was great to interact with peers in person and reestablish those valuable relationships and connections that have been missing for 2 years. I cannot wait to do that again in Tucson where the February temperatures average highs in the low 70s. The University of Arizona School of Medicine is partnering with us to bring us a relevant and timely program. Dr. Dave Rengachary and the program committee have been working diligently to finalize the program. The ACLI staff has worked hand in hand with the medical school and the resort to make this a first class educational and social event.

I look forward to seeing old friends and making new ones as we mosey on out to the Old West. Yee Haw!



RISK CLASSIFICATION COMMITTEE

Jan Graeber, Senior Health Actuary, ACLI

In 2022, insurance regulators and legislators continue to grapple with factors used in underwriting, including redefining differences between risk categorization and unfair discrimination. The outcome could impact fair pricing and product accessibility.

Prohibitions or limitations on the use of genetic testing results or genetic information, along with insurers' use of external data sources in algorithmic and predictive models are two of the most threatening restrictions on underwriting and risk classification.

Genetic Testing Legislative Proposals

With respect to genetic testing legislation, eight genetic testing "Florida-style" bills banning the use of genetic testing in underwriting were introduced in 2022. All eight were defeated or redirected, including the most threatening bill, Vermont SB 247, which provided for a ban on the use of genetic testing in underwriting and was backed by Vermont's largest private employer, the University of Vermont Medical Center. After a hard fight, ACLI, with tremendous help from member companies, was successful in killing the bill during the closing week of the legislative session.

Algorithmic and Predictive Model Legislative Proposals

There is increased regulatory scrutiny in how insurers are leveraging innovative technologies to develop products, refine the mortality assessment, accelerate underwriting, appropriately classify risks, help identify fraud, expand into new markets, and increase consumers' access to more affordable financial protection products, while ensuring that use of external data sources in underwriting models do not result in unintentional unfair discrimination against protected classes, specifically race.

During the 2021 legislative session in Colorado, Commissioner Mike Conway put forth a proposal that would prohibit an insurer's use of external consumer data and information sources, either independently or in algorithms or predictive models, if such use would result in unfair discrimination against a protected class. The bill did pass over ACLI's objections; however, we were able to negotiate amendments that provided safe harbor protections for traditional underwriting factors for life, disability, and long-term care policies.

The bill also called for the development of regulations, through a stakeholder process, implementing the requirements of the law which could not take effect prior to January 1, 2023. Early in 2022, ACLI and its members began working on a draft regulation that focused on the potential for unfair discrimination based on race in underwriting practices. The draft regulation was completed in late February and is a principles-based approach, like the ORSA reporting structure, that satisfies the requirements of the law.

ACLI presented its draft regulation at the July 8th stakeholders meeting. As the regulatory process continues in Colorado, and as the NAIC continues its work in the newly created H Committee, we anticipate proposals like Colorado to be considered in other states.

Vaccine-Status Legislative Proposals

Increased legislation limiting or prohibiting insurers to consider COVID or vaccine status in underwriting continues to chip away at our ability to use medical information in underwriting. ACLI was successful in combatting proposals imposing restrictions on underwriting based on vaccine status in several states including Tennessee, Oregon, Indiana, and Louisiana.

Generally, vaccine legislation has fallen into three buckets: prohibiting underwriting based on vaccine status, prohibiting discrimination based on such status for general social and business services and prohibiting or regulating discrimination based on vaccine status on the part of employers, state agencies or local government entities.

The Risk Classification Committee welcomes associates from member companies to join the periodic calls that discuss these important issues.



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