



PRESS RELEASE

02/2007

Berlin, 1 February 2007

The German National Ethics Council presents its Opinion on predictive health information in the conclusion of insurance contracts

After a period of thoroughgoing deliberation, the National Ethics Council is today (Thursday) issuing its Opinion on predictive health information in the field of insurance.

The subject of this Opinion is how far it should be permissible for insurance companies to make the conclusion of private personal insurance contracts and the relevant premiums dependent on the collection and use of predictive health information concerning proposers. Statutory insurance schemes, such as statutory health or pension insurance, are beyond the scope of the Opinion.

Both genetic tests and other modern medical diagnostic procedures can predict health risks or diseases long before these become manifest. The National Ethics Council therefore recommends that the principles set out below for the protection of proposers' personal rights should be applied to the results not only of genetic tests but also to those of other predictive examinations, such as imaging techniques or biochemical and electrophysiological methods.

Insurers should be allowed to collect information on a proposer's health only to the extent that it is necessary for an individual contract and where the details furnished by the proposer specifically suggest the existence of risks stemming from earlier or current medical conditions or, where applicable, of lifestyle issues with possible health implications.

The National Ethics Council favours the continuation of the voluntary formal commitment whereby the member companies of the German Insurance Association (Gesamtverband der Deutschen Versicherungswirtschaft e. V.) have agreed – for the time being until 31 December 2011 – not to require disclosure, and not to take account, of results of predictive genetic tests that are known to the proposer. However, the moratorium should be extended to predictive genetic information obtained by the proposer otherwise than from molecular genetic or cytogenetic tests – for instance, from biochemical tests or the familial history.

General questioning of attending physicians in the absence of concrete indications of a disease or of the risk of a disease should

The German National Ethics Council

The German National Ethics Council's task is to provide a forum for interdisciplinary discourse between the natural sciences, medicine, theology and philosophy, and the social and legal sciences.

It expresses views on ethical issues relating to new developments in the field of the life sciences and on their consequences for the individual and society.

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not be permissible. Where attending physicians are released from their obligation of confidentiality and provide information, this should be restricted to a specific situation on which the insurer may request information for the purposes of risk calculation.

The right of insurers to require proposers to undergo a medical examination should be significantly limited. In the case of “ordinary” insurance contracts (i.e. where the sum insured is not unusually high), screening for existing medical conditions and health risks that are unknown to the proposer and for which neither the clinical history nor the present condition of the proposer afford concrete indications should never be permissible. This applies particularly to questions on familial history. “Ordinary” insurance contracts should be deemed to comprise contracts to cover the cost of medical treatment and other therapeutic measures in the event of illness, as well as contracts under which the benefit comprises a single capital payment, an old-age pension, occupational incapacity or permanent disability benefit or dependency annuity insurance up to a stated limit.

The restrictions here demanded on the right of insurers to question proposers and to require medical examinations in the case of an “ordinary” policy should not apply to contracts where the benefit exceeds the usual levels.

A comprehensive statutory basis for enforcement of the restrictions recommended in this Opinion on the collection and use of predictive health information in the conclusion of private personal insurance contracts is not considered essential. The courts can make judgements consistent with the recommendations by appropriate interpretation of existing law. The insurance industry too can implement the recommendations on a de facto basis and ensure that they can be relied upon by means of specimen contractual conditions and voluntary formal commitments.

The German text of the Opinion Predictive Health Information in the Conclusion of Insurance Contracts can be accessed online at:

<http://www.ethikrat.org/stellungnahmen/stellungnahmen.html>.

An English version will be available in due course.