

Travel Insurance for People with Huntington's Disease - Western Australia

1. WHAT IS TRAVEL INSURANCE?

- Travel insurance covers you for specific losses which happen during a holiday or other trip.
- Most travel insurance is only sold for overseas trips and some cover, such as for hospital and medical expenses, can't be sold for travel within Australia.
- The terms and conditions of travel insurance are in policy documents which are usually glossy brochures. They set out all the types of cover you can get - although it doesn't mean you are covered for all of the items.
- There are also usually many limitations and exclusions on what is covered.
- People with Huntington's Disease can get travel insurance - although the terms and conditions vary.
- It's very important to check what cover you're offered and shop around.
- See "HELP" at the end of this pamphlet.

2. TYPES OF TRAVEL INSURANCE

There are two main types of travel insurance:

2.1 Non-medical cover

- Lost luggage.
- Theft of goods, money.
- Cancelled holidays, flights.

2.2 Medical and disability cover

- Overseas hospital and medical expenses.
- Loss of income due to injury or illness.
- Death and disability lump sums.

3. HOW DO I GET TRAVEL INSURANCE?

- Travel insurance is sold by travel agents or bought on-line.
- If you purchase your airline ticket or holiday package through a travel agent, they will encourage you to take out travel insurance from an insurer they have a relationship with.

- However, some agents don't know much about travel insurance and simply give you a glossy brochure.
- Alternatively, you can:
 - Check travel insurance policies on-line;
 - Apply to insurance companies direct by telephone;
 - Contact an insurance broker to try to get you the best deal;
 - Get travel insurance from your credit card, union, bank or even your superannuation fund.
- If you apply to an insurance company for cover and get knocked back that will count against you in applying to other insurers.

4. WHAT AM I COVERED FOR?

- Travel insurance is usually divided into basic, and advanced or premium cover. Medical and hospital expenses are included in basic cover - although there may be a limit on the amount of cover.
- Some items, such as death and disability insurance, might not be included at all in basic cover. Under some policies, the amount of cover depends on how old you are and the countries you are travelling to.
- Many policies cover both you and your partner or travelling companion - although not necessarily for all insured items.
- The glossy brochure will spell out all the items you may be covered for, while the schedule or policy invoice will set out which of the items you are covered for.

5. WHAT IS NOT COVERED?

- Most travel insurance policies exclude pre-existing injuries or illnesses from medical and hospital expenses cover and other disability or death cover.
- A "pre-existing" injury or illness is an injury or an illness for which you received medical treatment or took medication in a specified period of time before the policy starts.
- The period of the time varies from policy to policy – it might be only seven days or may be up to 6 or 12 months.
- However, travel insurance policies have a "catch-all" general exclusion for chronic or on-going conditions that you were aware of, or should reasonably have been aware of before the policy commenced.
- Injuries or illnesses which occur during your trip are covered - unless they are related to a pre-existing injury or sickness.
- However, some policies cover some pre-existing injuries or illnesses if you pay a higher premium. There may be exceptions to this, such as terminal illnesses, mental disorders or heart conditions.

- Some policies also list some pre-existing conditions they will cover, such as diabetes, epilepsy, asthma, some cancers and heart conditions, so long as the health problem is under control.
- Other policies might allow cover for pre-existing injuries or illnesses if you and your doctor fill in a health questionnaire and the insurer is prepared to accept the risk.

6. HOW DO I FIND TRAVEL INSURANCE THAT WILL COVER MY DISABILITIES?

- Travel insurance companies and their policies are on the web.
- Most have Product Disclosure Statements which set out the terms and conditions, what cover is included and exclusions. It's very important to look at the definition of pre-existing condition (PEC).
- Travel insurance companies who may cover your disability include Cover More, Columbus Direct, Travel Scene Insurance and World Assist.
- You can call and ask the travel insurance companies whether they will cover you. It is also worthwhile asking your travel agent or an insurance broker if they can get you cover.

7. HOW DO I APPLY FOR MEDICAL COVER?

- Under most travel insurance policies, you can get medical and disability cover for injuries or illnesses that happen during your trip.
- Under some travel insurance policies you can also get medical and disability cover for your pre-existing Huntington's Disease.
- If you have not had any treatment or medication for Huntington's Disease in the seven days (or more) before you took out the policy, or if you provide a letter from your doctor and the insurer thinks you are an acceptable risk, you may be able to get cover for medical and disability benefits for your pre-existing disabilities.
- To get cover for your Huntington's Disease, take the following steps:

Step 1

- Ask your travel agent or check on-line if the travel insurance policy you have been offered or any other travel insurance policies provide medical and disability cover for your Huntington's Disease.

Step 2

- Check if the policy has a total exclusion for pre-existing injuries or illnesses.
- If it has, try another insurer.

Step 3

- Check if the policy sets out types of pre-existing conditions that are covered or excluded.

- Do any of the descriptions of conditions that are covered fit your Huntington's Disease?
- If so you may get medical and disability cover.

Step 4

- Check the policy definition of "pre-existing condition".
- What is the period of time for which you must not have received medical treatment or medication?
- Have you not received medical treatment or medication for your Huntington's Disease within the relevant period of time?
- If so, you may get medical and disability cover for your Huntington's Disease.
- However, check to see if there is a general exclusion for significant or serious pre-existing conditions. If so you may not be automatically covered.

Step 5

- If you think you won't get cover under the above, check if the policy has a health questionnaire.
- If so, fill in the questionnaire.
- Also get a certificate from your doctor about your health and whether you are not a significant risk of needing medical or hospital treatment on your trip.,
- Send the forms into the Insurer

8. WHAT IF I'M REFUSED MEDICAL OR DISABILITY COVER?

- You can appeal.
- There is no reason why you can't get full non-medical travel insurance or medical and disability insurance for injuries or illnesses that happen during your trip. If you are refused, you should appeal. (See "Complaints" and "Appeals" below.)
- If you are refused medical or disability cover for your Huntington's Disease, or if you are offered cover with an increased premium or with an exclusion for your condition, you can appeal.
- Much depends on whether your Huntington's Disease is/are under control and therefore not an unacceptable risk, or, if not, whether you should get disability cover with an exclusion only for your Huntington's Disease.
- It's very important to get medical reports from your doctors which show:
 - The nature of your condition;
 - Your condition is under control;
 - Your condition fits within the definition of a listed pre-existing condition which is covered (if applicable);

- You are not likely to need medical or hospital treatment or make a claim from your trip;
- You don't suffer from any other significant health problems.
- Send in any good medical reports with your application form or any Complaint/Appeal.

9. STANDARD COVER

- Travel insurance policies are standard cover policies under the *Insurance Contracts Act*.
- Under the Act, travel insurance companies can't refuse to cover you for medical, hospital and transport expenses incurred as a result of an injury or illness suffered on your trip unless:
 - you were subject to the injury or illness in the 6 months before you took out the policy and afterwards; or
 - the insurance company told you in writing within 14 days of the policy start-up date that you won't be covered.
- This means that if you weren't suffering from the effects of your Huntington's Disease in the 6 months before the start date, if you weren't given the policy or a brochure before starting your trip or if the wording is unclear, you might still be able to claim under your travel insurance policy.

10. COMPLAINTS

- If you are refused cover or if you make a claim and it's rejected because of your Huntington's Disease, you can take the matter further.
- You can lodge an Internal Dispute Resolution Complaint with the insurer. They have 45 days to make a decision on the Complaint. It's important to get up-to-date medical reports and make written submissions to support your Complaint.
- If a Complaint on a claim is rejected or no decision is made, you can then lodge a Complaint to the Financial Ombudsman Service (FOS) (telephone number 1300 780 808).
- FOS can order the insurer to pay your claim and it's costs-neutral.
- It's very important to get the right medical reports dealing with the relevant issues and make submissions supporting your Complaint. Many Complaints are successful or are settled.
- Get "HELP" with a Complaint.

11. APPEALS

11.1 Anti-Discrimination Appeals

- If your claim or application for insurance cover is rejected, you might be able to lodge a Complaint with the Human Rights and Equal Opportunity Commission (HREOC).
- Under anti-discrimination laws, insurance companies can't discriminate against someone with Huntington's Disease unless the discrimination is reasonable or based on actuarial or statistical data that justifies the discrimination.
- This means that if you are refused travel insurance or if your insurance claim is rejected because of your Huntington's Disease, the insurance company will have to show that there is evidence from past claims that justifies excluding your Huntington's Disease and that on the medical evidence, your Huntington's Disease is an unacceptable risk.
- Experience shows that insurance companies often rely on data or medical research that is either incomplete or out of date. They often fail to distinguish between various levels of Huntington's Disease and haven't kept up to date with new treatments which reduce the risk of death or hospitalisation.
- If you bring a discrimination Complaint, the onus is on the insurance company to justify the discrimination. That might be hard to do, particularly if you have medical evidence that shows your Huntington's Disease was/were are under control and not a significant risk of leading to a claim while you are on your trip.
- Discrimination Complaints are lodged with the HREOC (www.hreoc.gov.au) and must be made within 12 months of the rejection of your claim or cover.

11.2 Courts

- If your travel insurance claim is rejected or if FOS refuses your Complaint, you can take your case to Court.
- Unlike FOS, the loser usually pays for costs in a court case. However, many court cases win or are settled.
- There is usually a 6-year time limit for lodging a Court Writ from when the cause of action occurred.
- If your claim is rejected, get advice on your appeal rights. (See "HELP" below.)

HELP

For free legal advice about your Travel Insurance rights, call:

**Maurice Blackburn Lawyers
Phone: 1800 810 812**

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Disclaimer

This brochure was prepared in October 2011. It is only a general guide to legal, superannuation and financial issues and is not a substitute for professional advice in these areas

