

LOA INFORMED CONSENT DOCUMENT FOR HIV TESTING: CLAIMS

YOU MUST READ THIS BEFORE THE TEST IS DONE. IF YOU HAVE ANY PROBLEMS UNDERSTANDING THIS, ASK THE NURSE OR LABORATORY ASSISTANT OR DOCTOR TO EXPLAIN IT TO YOU

NOTE TO THE PERSON PERFORMING THE TEST

Some clients may not be able to read the document below, as a result of blindness, illiteracy or some other reason. You are obliged to ensure that under these circumstances, the client has received the document and consents to the test.

INTRODUCTION

This document contains the information that you are entitled to, before agreeing to be tested for HIV antibodies. The HIV antibody test (sometimes called an "AIDS test") is a test that will tell you whether or not you have been infected with HIV, "the AIDS virus". Below we set out your rights with respect to this test, information about HIV and AIDS, and the AIDS test, and why the insurance company wants to test you for HIV antibodies.

WHAT ARE MY RIGHTS?

You have the right:

1. Not to be tested for the AIDS virus without your free and informed consent.
2. To be given all material information on the harms, risks and benefits of taking, or not taking, the AIDS test.
3. To refuse to take the test. Refusal to undergo the test will have certain implications which is spelled out later in the document.
4. To receive pre-test counselling upon request. This is private and confidential, and will inform you more about the test and its implications before you consent to the test. Should you in any way be unfamiliar with the issues involved, you are strongly advised to seek pre-test counselling. This pre-test counselling will not be at the expense of the Life Office concerned.
5. To have your test result treated confidentially. The result will be made available to your doctor only with your prior consent. A test result will also be stored by the Register of the Life Offices' Association (LOA). You have a right to access this information to check that it is correct.
6. To have one session of post-test counselling, if the test is positive, at the expense of the Life Office concerned. Counselling for any negative test result will not be at the expense of the Life Office concerned.

WHAT IS HIV?

HIV is the virus that causes AIDS, and is sometimes called 'the AIDS virus'. While infected with HIV, and before a person develops AIDS, he or she will feel well and healthy. During this time, the person will be able to infect other people with the virus.

WHAT IS AIDS?

AIDS is the name for a number of illnesses that develop as a result of being infected with HIV. The AIDS virus attacks the immune system and leaves it unable to fight various illnesses. More than half of people infected with the AIDS virus will get AIDS within ten years of infection.

When you are sick with AIDS, you can usually no longer work.

AIDS is a serious disease that eventually leads to death.

WHAT IS THE HIV TEST?

The HIV test checks your blood for antibodies to the AIDS virus. The test cannot tell you the date when you were infected, or by whom you were infected. A sample of blood will be drawn from you. It will be sent to the pathologist's laboratory, where it will be tested.

HOW DO I BECOME INFECTED WITH THE VIRUS THAT CAUSES AIDS?

Almost all cases of infection result from sexual intercourse. The AIDS virus is transmitted in this way from one person to another through semen and vaginal fluids. The AIDS virus can also be passed on to babies through the mother's blood or through breast-feeding. Although rare, the AIDS virus can be transmitted by contact with infected blood; for example, through blood transfusions and through sharing needles during drug use.

Most cases of infection are transmitted either from women to men, or from men to women. Men and women of all ages, races and religious beliefs can be infected with the AIDS virus. Homosexual transmission also occurs.

IS THERE A CURE FOR HIV AND AIDS?

There is no known cure for HIV or AIDS. Modern medical science, as well as traditional healers, has searched for cures for the AIDS virus. So far these efforts have been unsuccessful.

However, should you be HIV positive, by adopting a healthy lifestyle and having your HIV managed properly by health care workers, you can greatly enhance your quality of life before AIDS sets in. It is therefore extremely important that you keep yourself both mentally and physically healthy in spite of being HIV positive. It is also possible that a cure may be found over this time.

WHY DO LIFE INSURANCE COMPANIES RE-TEST FOR THE AIDS VIRUS?

Since the discovery of the HIV-virus the spreading of this virus has reached alarming levels. To counter the impact of this virus on the financial position of assurance companies and their clients, assurance companies have, since the eighties, started to introduce certain measurements to counter the impact of AIDS-related claims.

These actions include:

HIV-tests for new proposals.

When proposing for a policy an initial choice between a policy including AIDS cover and one with a contractual restriction according to which the assured only qualifies for a claim to be considered if he/she is HIV-negative at that stage.

Policies which give a policy-owner a choice of a policy which requires an HIV negative test at the proposal stage and, if accepted, provides life cover (including AIDS-cover) throughout the term of the policy against a policy which requires a HIV-negative test at inception, and also at regular intervals throughout the term of the policy to maintain the life cover, on the policy. Should the assured test positive at the end of one of these intervals, the life cover as well as any rider benefits are cancelled or limited in accordance with the contractual stipulations. The advantage of this policy for the client is that the premium is expected to be cheaper than the premium for the policy including AIDS-cover.

With reference to the above-mentioned information, life assurance companies may require HIV-tests:

for new proposals

to determine whether an assured qualifies for policy claims in accordance with the policy restrictions

to determine whether the death cover of an existing policy should be extended for a further contractual interval

IS THE TEST ALWAYS CORRECT? CAN THERE BE MISTAKES?

The tests used are very accurate, and are performed by registered pathology laboratories. If your test result shows that you are infected with the AIDS virus, you can have this confirmed by having further tests done at your own expense, or by going to the nearest ATICC, clinic or public hospital for a free AIDS test.

WHAT DOES IT MEAN IF THE TEST IS NEGATIVE?

If your test result is negative, this does not mean that you may not become infected in the future.

If you engage in unprotected sex, you may be infected at some time in the future. You should think very seriously about the ways in which you can ensure that you are not infected in the future, in particular. You should consider using safer sexual practices, for example a condom.

There is a time of approximately six weeks after infection when an HIV test will not detect the AIDS virus. This happens because the test for antibodies can not detect them for a short while after infection. This time is called the "window period". If you are in the "window period" your test result will be negative, although you are actually infected with the AIDS virus.

The chance of being in the window period is very small. If you suspect that you may have become infected recently and are in the window period, you can arrange to be tested again in three or more months time at your own expense, or go to your nearest ATICC, clinic or hospital for a free test and counselling.

WHAT DOES IT MEAN IF THE TEST IS POSITIVE?

If your test result is positive, this means that you have been infected with the AIDS virus. A positive test result will result in new applications for insurance being declined. Existing insurance policies will remain valid unless they require periodic re-testing for the AIDS virus.

Policy claims for existing policies that include an AIDS exclusion or repudiation clause will be assessed in accordance with these stipulations. Other existing policies which do not have an exclusion or repudiation clause will not be invalidated as a result of the positive test result. The implications of a positive test result should be discussed with your doctor. The Life Office concerned will pay for one session's consultation with your doctor about the implications.

WHAT ARE THE HARMS AND RISK OF THE AIDS TEST?

Many people do not understand the facts about infection with the AIDS virus. This has led to people infected with the AIDS virus being stigmatised and isolated by their families and communities.

A positive test can lead to difficulties in seeking housing bonds, employment, as well as medical and dental treatment. Psychological difficulties might also arise. For these reasons, the life insurance company concerned, as well as the Life Offices' Association, will keep your test results confidential.

WHAT ARE THE BENEFITS OF THE AIDS TEST?

If the test is negative, this can reassure you and help you to make sure you do not become infected with the AIDS virus.

A positive test result can offer an opportunity to get early treatment, to change life plans and to prevent infection of your sexual partners.

WHAT OTHER FINANCIAL OPTIONS ARE AVAILABLE IF THIS APPLICATION IS REFUSED?

Alternative financial products are available to people who are infected with HIV. Some limited forms of insurance, as well as savings products (such as unit trusts) are available. If you test positive for HIV, you are advised to seek financial advice from a suitably qualified adviser.

NOTIFICATION OF TEST RESULTS

If your test result is negative:

Your insurance policy will be issued if all other requirements have been met, existing policies will not be affected and policy claims will be considered normally.

If your test is positive:

Because a trained person should deliver that information so that you can understand clearly what the test result means, you are asked at the end of this form to name a doctor or clinic.

Consequently it is of the utmost importance that you think carefully about the person who should receive the results. Should you not know who to name, please ask someone for assistance or suggestions.

You will be advised to contact this doctor or clinic, so that they can discuss the meaning of the test result with you. Please note that if you receive a letter to contact the nominated doctor, that this does not automatically mean that the AIDS test result is positive, as many other medical impairments may lead to the refusal of the insurance application. The doctor will be fully informed and will inform you accordingly.