



OHIO LEGAL RIGHTS SERVICE ... protection and advocacy for people with disabilities

What is this information worth to you?

OLRS staff write and update publications to provide self-advocacy skills and information to people with disabilities and their families.

Please consider making a contribution. Your gift, small or large, will help OLRs achieve its mission of advocating for the rights of individuals with disabilities.

Use your credit card to make a secure online donation. The donation form is hosted on a secure server at <https://vpos.skipjack.com/ps/OhioLegalRights/Donate.aspx>. The information you provide on the form is solely used for the processing of your credit card.

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Or mail your donation to OLRs. Make your check payable to Ohio Legal Rights Service and mail to:

Ohio Legal Rights Service
Donations
50 W. Broad Street, Suite 1400
Columbus, Ohio 43215-5923

For more information:

Contact Jeffrey Folkerth, Ohio Legal Rights Service
Phone: 614-466-7264; 1-800-282-9181 (toll-free in Ohio)
TTY: 614-728-2553; 1-800-858-3542 (toll-free in Ohio)
E-mail: JFolkerth@olrs.state.oh.us

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Insurance stands ready to come to the aid of many fortunate Americans when misfortune strikes. Unfortunately, Americans with disabilities are more likely than people without disabilities to be denied insurance coverage, and insurance laws provide limited rights protections for people with disabilities.

BUT YOU DO HAVE RIGHTS

FOR A DETAILED REFERENCE, SEE:

A Consumer Guide to Handling Disputes with Your Employer or Private Health Plan, 2003 Update

available in print and on-line from the Kaiser Family Foundation
2400 Sand Hill Road
Menlo Park, California 94025
TEL 650-854-9400
www.kff.org/consumerguide/

FOR LAWYER REFERRALS, CONTACT:

Ohio State Bar Association (OSBA)
TEL 800-282-6556
WEB www.ohiobar.org/memdir/
(directory of OSBA members)
WEB www.ohiobar.org/contact/localbars
(directory of local bar associations)

Ohio State Legal Services Association (OSLSA)
TEL 866-529-6446
WEB www.oslsa.org/OSLSA/PublicWeb/LegalSvcs
(directory of legal aid offices by county and by city)

Ohio Legal Rights Service is authorized and funded to provide services by, and produced this pamphlet with funds through, the following State and federal laws:

- Ohio Revised Code Section 5123.60;
- Developmental Disabilities Assistance and Bill of Rights Act (DD Act), Public Law 88-164, 42 USC 6000 et seq. administered by the Administration for Children and Families;
- Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act, Public Law 99-319, 42 USC 10801 et seq. administered by the Center for Mental Health Services of the U.S. Department of Human Services;
- Rehabilitation Act of 1973 as amended, Public Law 93-112, 42 USC 701 et seq. administered by the Office of Education Services and the Rehabilitation Services Administration of the U.S. Department of Education;

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Columbus, Ohio 43215-5923
614-466-7264 local / 800-282-9181 in Ohio
614-728-2553 TTY / 800-858-3542 TTY in Ohio

OHIO LEGAL RIGHTS SERVICE

The laws of Ohio and of the United States prohibit discrimination based on disability in housing, employment and in other areas.

WHAT
ABOUT
HEALTH
INSURANCE



Carolyn S. Knight, Executive Director

LIMITED RIGHTS UNDER THE LAWS

As in hiring, firing and promotion, federal and state laws prohibit disability-based discrimination by **EMPLOYERS** when they provide company fringe benefits, such as health insurance coverage. However, the Americans with Disabilities Act Title I (Employment) may allow employers to deny health insurance based on disability, if the employer can justify denial by insurance statistics and “actual substantial increase” in costs.

INSURANCE COMPANIES may also deny health insurance. Under some circumstances the ADA Title III (Public Accommodations) does not regulate insurance companies when individuals apply to the companies for insurance directly.

Although rights protections for people with disabilities are limited, you do have rights if you are refused an insurance policy, or if you are denied a particular claim under an existing policy. These rights are explained in your copy of the insurance policy.

Time is usually very limited in insurance disputes. If you believe you have been wrongly refused a policy or denied a particular claim under your policy, Ohio Legal Rights Service strongly recommends that you ***respond as soon as possible***.

INTERNAL (PROVIDER) COMPLAINTS

Most insurance complaints must first be presented to, and decided by, a neutral office of the insurance provider itself. Insurance policies define the internal complaint procedures and strict deadlines to file complaints. Time may be very short. If you miss a deadline, you may lose your right to file any complaint.

EXTERNAL (AGENCY) COMPLAINTS

The insurance industry is regulated by several federal and state agencies, which generally receive complaints only after the insurance provider’s internal complaint procedure is finished. These federal and state agencies represent neither you nor the insurance provider. For example, the stated mission of the Ohio Department of Insurance is “to be responsive to and safeguard consumer interests . . . while promoting a stable and competitive marketplace among insurance providers.” The agency to receive your complaint depends upon the source of the policy:

- **INDIVIDUAL POLICIES**
You buy from insurance provider.
- **EMPLOYERS’ GROUP PLANS**
Employer buys from insurance provider.
- **EMPLOYERS’ SELF-INSURED PLANS**
Employer operates its own plan.

INDIVIDUAL AND GROUP PLANS

Ohio Department of Insurance (ODI) receives complaints about most individual policies and employers’ group plans. Some complaints may be filed on-line. Ohio Legal Rights Service recommends that you contact ODI as soon as possible to learn about your rights given your particular policy and your particular complaint.

- 2100 Stella Court
Columbus, Ohio 43215
TEL 800-686-1526
TDD 614-644-3745
WEB www.ohioinsurance.gov

EMPLOYER’S SELF-INSURED PLANS

U.S. Department of Labor (DOL) receives complaints about these plans under ERISA (Employee Retirement Income Security Act). Contact DOL’s ERISA enforcement division as soon as possible to learn about your rights.

- Cincinnati Regional Office
1885 Dixie Highway, Suite 210
Fort Wright, Kentucky 41011-2664
TEL 859-578-4680
WEB www.dol.gov/ebsa

You also have the right to file a lawsuit under ERISA after complaint procedures are finished. Consult a lawyer in private practice as soon as possible.