

# TRAVEL INSURANCE FOR PEOPLE WITH KIDNEY DISEASE



## WHAT IS TRAVEL INSURANCE?

- Travel insurance covers you for specific losses, which happen during a holiday or trip.
- Most travel insurance is only sold for overseas trips. 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 items.
- There are usually many limitations and exclusions on what is covered.
- People with kidney disease can get travel insurance – although the terms and travel conditions vary.
- It's very important to check what cover you're offered and shop around.

## TYPES OF TRAVEL INSURANCE

There are two main types of travel insurance:

1. **Non-Medical cover**
  - Lost luggage
  - Theft of goods, money
  - Cancelled holidays, flights
2. **Medical and disability cover**
  - Overseas hospital and medical expenses
  - Loss of income due to injury or illness
  - Death and disability lump sums

## HOW DO I GET TRAVEL INSURANCE?

- Most travel insurance is sold by travel agents.
- 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, many agents don't know much about travel insurance and simply give you a glossy brochure.
- Alternatively, you can:
  - Contact an insurance broker to get you the best deal.
  - Apply to insurance companies direct.
  - Get travel insurance from your credit card, union, bank or even your superannuation fund.

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## 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 traveling too.
- Many policies cover both you and your partner or traveling 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.

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## WHAT IS NOT COVERED?

- Most travel insurance policies exclude pre-existing injuries or sickness from medical and disability cover – but not injuries or sickness that occur on your trip.
- Kidney disease will be a pre-existing illness if you have received medical treatment or taken medication for kidney disease in a period of time before the policy starts – which might be only seven days or maybe up to six or twelve months, depending on the policy.
- Some policies have a general exclusion for significant or serious pre-existing conditions.
- Injuries or illnesses that occur during your trip are covered – unless they are related to your kidney disease.
- Some policies allow for cover for pre-existing conditions if you pay a higher premium. There are sometimes exceptions to this, such as terminal illnesses, mental disorders or heart conditions.
- Other policies might allow cover for pre-existing injuries or illnesses if you or your doctor fill in health questionnaires and the insurer is prepared to accept the risk.
- Some policies list 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.

## HOW DO I FIND TRAVEL INSURANCE THAT WILL COVER KIDNEY DISEASE?

- Travel insurance agencies and their policies are on the web.
- Some travel insurance agencies who have offered cover to people with kidney disease in the past include Cover More, Columbus Direct, Travel Scene Insurance and World Assist.
- You will need to check with the insurance agency whether they will cover you.

- Some travel agents who have been able to get cover for people with disabilities in the past include TS Travel (telephone number 03 9762 8000) and Student Flights (1800 046 462).

## **HOW DO I APPLY FOR MEDICAL COVER?**

- Under most travel insurance policies, you 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 kidney disease.
- If you have not had any treatment or medication for kidney disease in the last six (6) or twelve (12) months, or if you provide a letter from the doctor and the Insurer thinks you are an acceptable risk, you can get cover for kidney disease related medical and disability benefits.
- To get cover for your kidney disease take the following steps:

### **Step 1**

- Ask your travel agent or insurance broker if the travel insurance policy you have been offered or any other travel insurance policy provides medical and disability cover for kidney disease.

### **Step 2**

- Check if the policy has a total exclusion for pre-existing injury 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.
- Does your kidney disease fit one for these descriptions?
- Have you not received medical treatment or taken medication for your kidney disease in the last six (6) or twelve (12) months?
- If so and it's covered, you can get medical and disability cover.
- If your kidney disease is excluded, try another insurer.

### **Step 4**

- Alternatively, check if the policy has a health questionnaire.
- If so, fill in the questionnaire and also get a certificate from your doctor as to your state of health.
- If you are in good health and not a significant risk of needing medical or hospital treatment on your trip, you should get medical and disability cover.

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## **WHAT IF I AM REFUSED MEDICAL OR DISABILITY COVER?**

- 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.
- If you are refused medical or disability cover because of your kidney disease, or if you are offered cover with an increased premium or with exclusion for your condition, you might be able to appeal.

- Much depends on whether your kidney disease is under control and therefore an acceptable risk, or if not, whether you should get disability cover with an exclusion only for your kidney disease.
- It's very important to get medical reports from your doctors, which show:
  - 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.

## **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 or an injury or sickness suffered on your trip unless:
  - You are subject to the injury or sickness in the six 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 kidney disease in the six 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 be able to claim under your travel insurance policy.

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## **COMPLAINTS**

- If you are refused cover or if you make a claim and it's rejected because of kidney disease, you can take the matter further.
- You can lodge an Internal Dispute Resolution Complaint with the insurer. They have three weeks 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 Industry Complaints Scheme, the Insurance Ombudsman Service (IOS) (telephone number 1300 780 808).
- The IOS can order the insurer to pay your claim and it's costs - neutral.
- The IOS doesn't have the power to order an insurer to give you cover, but the rules might soon be changing to allow the IOS to deal with discrimination complaints.
- 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.

## APPEALS

### 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 & Equal Opportunity Commission.
- Under anti-discrimination laws, insurance companies can't discriminate against someone with kidney 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 kidney disease, the insurance company will have to show that there is evidence from past claims that justifies excluding your kidney disease and that on medical evidence, your kidney 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 various levels or types of kidney 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 kidney disease is under control and not a significant risk of leading to a claim while you are on your trip.
- Discrimination complaints are lodged with the Human Rights & Equal Opportunity Commission and must be made within 12 months of the rejection of your claim or cover.

### 2. Courts

- If your travel insurance claim is rejected or the IEC refuses your complaint, you can take your case to court.
- Unlike the IOS, the loser usually pays for the 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.

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## HELP

Maurice Blackburn Lawyers have set up a free Super and Insurance Advice Service to give legal advice to people with kidney disease and others. Call Maurice Blackburn on 1800 810 812 for free legal advice.

**For more information about kidney and urinary health, please contact**

**Kidney Health Australia:**

Kidney Information Line (free call) on 1800 682 531 or visit website [www.kidney.org.au](http://www.kidney.org.au)

This fact sheet is only a guide to legal, superannuation and financial issues and is not a substitute for professional advice in these areas.

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