

JANE DOE

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NO. 2014-CA-0789

VERSUS

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COURT OF APPEAL

**LOUISIANA HEALTH
SERVICE & INDEMNITY
COMPANY D/B/A BLUE
CROSS/BLUE SHIELD OF
LOUISIANA**

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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LANDRIEU, J., CONCURS WITH REASONS

Louisiana Revised Statute 22:1023 is designed to prevent insurers from using genetic information to deny coverage. In this case, the underwriting department of Blue Cross obtained from its claims department a diagnostic code that had been utilized to bill health care claims of Ms. Doe during her childhood when her physical characteristics suggested that she might have or develop Marfan's Syndrome, a genetic disorder. Despite the fact that Ms. Doe was never diagnosed with or treated for that disorder, Blue Cross used this ten-year-old genetic information, to which it was privy solely because it had covered Ms. Doe's family in the past, to deny Ms. Doe coverage when she applied as an adult. This type of conduct is exactly what the statute was designed to prevent.

On this basis I respectfully concur in the result reached by the majority.