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HOUSE BILL NO. 660

Offered January 20, 2000

A BILL to amend and reenact § 38.2-3407.9 of the Code of Virginia, relating to health insurance; access to emergency services.

Patrons—Grayson, Almand, Amundson, Barlow, Baskerville, Brink, Christian, Council, Cox, Cranwell, Crittenden, Darner, Day, Deeds, Diamonstein, Hall, Jackson, Joannou, Johnson, Jones, D.C., Keister, McEachin, Melvin, Moran, Phillips, Reid, Robinson, Shuler, Stump, Tate, Van Landingham, Van Yahres, Ware, Watts, Williams and Woodrum; Senator: Watkins

Referred to Committee on Corporations, Insurance and Banking

Be it enacted by the General Assembly of Virginia:**1. That §§ 38.2-3407.9 of the Code of Virginia is amended and reenacted as follows:**

§ 38.2-3407.9. Reimbursement for emergency services.

A. If an accident and sickness insurance policy provides coverage for ~~ambulance~~ emergency services, any person providing such services to a person covered under such policy shall receive reimbursement for such services directly from the issuer of such policy, when the issuer of such policy is presented with an assignment of benefits by the person providing such services.

B. ~~For the purposes of this section, "ambulance services" means the transportation of any person requiring resuscitation or emergency relief or where human life is endangered, by means of any ambulance, rescue or life-saving vehicle designed or used principally for such purposes. Such term includes emergency medical services ambulances and mobile intensive care units. No (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, (ii) corporation providing individual or group accident and sickness subscription contracts or (iii) health maintenance organization providing a health care plan for health care services shall require a person covered under such policy, contract or plan to obtain prior authorization before accessing an emergency 911 system or other state, county or municipal emergency medical system for emergency services.~~

C. ~~No (i) insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, (ii) corporation providing individual or group accident and sickness subscription contracts or (iii) health maintenance organization providing a health care plan for health care services shall establish or promote an emergency medical response and transportation system that encourages or directs access by a person covered under such policy, contract or plan in competition with or in substitution of an emergency 911 system or other state, county or municipal emergency medical system for emergency services. An entity subject to this subsection may use transportation outside an emergency 911 system or other state, county or municipal emergency medical system for services that are not emergency services.~~

D. ~~For purposes of this section, "emergency services" means those health care services that are rendered by affiliated or nonaffiliated providers after the sudden onset of a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine to result in (i) serious jeopardy to the mental or physical health of the individual, (ii) danger of serious impairment of the individual's bodily functions, (iii) serious dysfunction of any of the individual's bodily organs, or (iv) in the case of a pregnant woman, serious jeopardy to the health of the fetus.~~

INTRODUCED

HB660