

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 38.2-4504 of the Code of Virginia, relating to nonstock corporation*
3 *agents for dental and optometric plans.*

4
5 Approved

[H 835]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 38.2-4504 of the Code of Virginia is amended and reenacted as follows:**

8 § 38.2-4504. Nonstock corporation required.

9 A. Each plan shall be conducted either by or through (i) a nonstock corporation organized pursuant to
10 the laws of this Commonwealth or (ii) a foreign nonstock corporation that is subject to regulation and
11 licensing under the laws of its domiciliary jurisdiction that are substantially similar to those provided by
12 this chapter.

13 B. Notwithstanding the provisions of §§ 38.2-4502 and 38.2-4503, a nonstock corporation may offer
14 or administer a plan without being required to act as agent for participating dentists or optometrists.

15 C. A nonstock corporation applying for its initial license pursuant to this chapter to offer or
16 administer a plan may elect in its application to act as a nonagent, in which case the provisions of this
17 section shall apply to such nonagent.

18 D. A nonstock corporation operating a plan pursuant to § 38.2-4502 or §38.2-4503 may petition the
19 Commission to change its status from an agent nonstock corporation to a nonagent nonstock
20 corporation by making application to the Commission no less than 90 days preceding the proposed date
21 of the change. The nonstock corporation shall give notice of the petition to its contract holders and
22 participating dentists or optometrists. The Commission shall not approve the change of status unless it is
23 satisfied that the financial condition of the nonstock corporation and the proposed method of operation
24 and manner of doing business enable the nonstock corporation to meet its contractual obligations to all
25 subscribers and that the nonstock corporation has otherwise complied with the requirements of this
26 chapter. The Commission shall consider, among other things, the sufficiency of the contingency reserve
27 required under subsection E of this section and, in addition, may elect to subject the nonstock
28 corporation, notwithstanding the provisions of § 38.2-1700, to the requirements of Chapter 17
29 (§ 38.2-1700 et seq.) of this title. If the Commission fails to approve the change of status, it shall state
30 the reason in its order. A change in status shall only be effective as to subscription contracts issued or
31 renewed on and after the date of a change in status.

32 E. No nonstock corporation shall offer or administer a plan without acting as an agent for
33 participating dentists or optometrists unless it maintains at all times a contingency reserve in an amount
34 at least equal to 45 days of anticipated operating expenses and incurred claims expenses generated for
35 subscription contracts issued by the nonstock corporation. The contingency reserve shall be computed as
36 the Commission requires.

37 F. The provisions of §§ 38.2-4505, 38.2-4507, 38.2-4508, and 38.2-4512 shall not apply to a
38 nonstock corporation that does not act as agent for participating dentists or optometrists.

ENROLLED

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