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SENATE BILL NO. 272

Offered January 18, 2000

A BILL to amend and reenact § 38.2-4319 of the Code of Virginia, as it is currently effective and as it will become effective, and to amend the Code of Virginia by adding a section numbered 38.2-3418.12, relating to health care coverage; hearing aids.

Patrons—Houck, Barry, Byrne, Colgan, Couric, Edwards, Forbes, Howell, Lambert, Marye, Maxwell, Miller, Y.B., Mims, Potts, Puckett, Puller, Quayle, Reynolds, Saslaw, Ticer, Trumbo and Whipple;
Delegates: Amundson, Darner, Hull, Kilgore and McQuigg

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-4319 of the Code of Virginia, as it is currently effective and as it will become effective, is amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 38.2-3418.12 as follows:

§ 38.2-3418.12. Coverage for hearing aids and related services.

A. Notwithstanding the provisions of § 38.2-3419, each 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; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall provide coverage for hearing examinations, hearing aids, and related services under any such policy, contract or plan delivered, issued for delivery, or renewed in this Commonwealth on and after July 1, 2000. Such coverage shall include one such examination and two hearing aids every 36 months.

B. No insurer, corporation, or health maintenance organization shall impose upon any person receiving benefits pursuant to this section any copayment, fee or condition that is not equally imposed upon all individuals in the same benefit category.

C. For the purposes of this section:

"Hearing aid" means any wearable instrument or device designed or offered to aid or compensate for impaired human hearing and any parts, attachments, or accessories, including earmolds, but excluding batteries and cords.

"Related services" includes earmolds, initial batteries and other necessary equipment, maintenance, and adaptation training.

D. Coverage shall be available under this section only for services and equipment provided by a professional licensed to provide such services or equipment under Chapter 15 (§ 54.1-1500 et seq.), Chapter 26 (§ 54.1-2600 et seq.) or Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1.

E. The provisions of this section shall not apply to short-term travel, accident-only, limited or specified disease policies, or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans or to short-term nonrenewable policies of not more than six months' duration.

§ 38.2-4319. (Effective until July 1, 2004) Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-200, 38.2-203, 38.2-210 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-322, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1057, 38.2-1306.2 through 38.2-1309, Articles 4 (§ 38.2-1317 et seq.) and 5 (§ 38.2-1322 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.) and 2 (§ 38.2-1412 et seq.) of Chapter 14, §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.16, 38.2-3411.2, 38.2-3412.1:01, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.11 38.2-3418.12, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, 38.2-3514.1, 38.2-3514.2, §§ 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3542, 38.2-3543.2, Chapter 53 (§ 38.2-5300 et seq.), Chapter 58 (§ 38.2-5800 et seq.) and Chapter 59 (§ 38.2-5900 et seq.) of this title shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) of this title except with respect to the activities of its health maintenance organization.

B. Solicitation of enrollees by a licensed health maintenance organization or by its representatives

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60 shall not be construed to violate any provisions of law relating to solicitation or advertising by health
61 professionals.

62 C. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful
63 practice of medicine. All health care providers associated with a health maintenance organization shall
64 be subject to all provisions of law.

65 D. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health
66 maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to
67 offer coverage to or accept applications from an employee who does not reside within the health
68 maintenance organization's service area.

69 § 38.2-4319. (Effective July 1, 2004) Statutory construction and relationship to other laws.

70 A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this
71 chapter, §§ 38.2-100, 38.2-200, 38.2-203, 38.2-210 through 38.2-213, 38.2-218 through 38.2-225,
72 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-322, 38.2-400, 38.2-402 through 38.2-413, 38.2-500
73 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1057, 38.2-1306.2
74 through 38.2-1309, Articles 4 (§ 38.2-1317 et seq.) and 5 (§ 38.2-1322 et seq.) of Chapter 13, Articles 1
75 (§ 38.2-1400 et seq.) and 2 (§ 38.2-1412 et seq.) of Chapter 14, §§ 38.2-1800 through 38.2-1836,
76 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through
77 38.2-3407.16, 38.2-3411.2, 38.2-3414.1, 38.2-3418.1 through ~~38.2-3418.11~~ 38.2-3418.12, 38.2-3419.1,
78 38.2-3430.1 through 38.2-3437, 38.2-3500, 38.2-3514.1, 38.2-3514.2, §§ 38.2-3522.1 through
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