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HOUSE BILL NO. 1637

Offered January 10, 2001

Prefiled December 1, 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 38.2-3418.14, relating to health care coverage; EEG biofeedback.

Patron—Diamonstein

Referred to Committee on Corporations, Insurance and Banking

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 38.2-3418.14 as follows:

§ 38.2-3418.14. Coverage for EEG biofeedback.

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 EEG biofeedback as provided in this section.

B. Such coverage shall include benefits for training and education in the use of EEG biofeedback equipment and techniques. To qualify for coverage under this section, EEG biofeedback training and education shall be deemed necessary by a licensed medical doctor, doctor of osteopathy or clinical psychologist.

C. Once an appropriate evaluation has been completed and a diagnosis made by a licensed medical doctor, doctor of osteopathy or clinical psychologist, EEG biofeedback training will be provided by or under the direct supervision of a licensed health practitioner who is a certified EEG biofeedback clinician. Certification for the purpose of this section is defined as successful completion of all educational and training requirements of the Biofeedback Certification Institute of America (BCIA) or comparable organization accredited by the National Organization of Certifying Agencies.

D. When EEG biofeedback treatment and training sessions are provided in the office of a provider certified under subsection C, no fee for use of training equipment will be reimbursed. When home training has been determined to be appropriate by a provider certified under subsection C, a one-time equipment purchase fee will be reimbursed.

E. The frequency of individual training sessions necessary to complete a full course of training shall be determined by the provider certified under subsection C. Reimbursement for each training session shall not exceed the standard hourly rate of the licensed, certified provider.

F. For the purposes of this section, "EEG biofeedback" means electroencephalogram biofeedback or neurofeedback prescribed as a treatment for attention deficit disorder or attention deficit hyperactivity disorder.

G. The requirements of this section shall apply to all policies, contracts, and plans delivered, issued for delivery, reissued, extended or renewed in this Commonwealth on and after July 1, 2001, or any time thereafter when any term of the policy, contract or plan is changed or any premium adjustment is made.

H. The provisions of this section shall not apply to (i) short-term travel, accident-only, limited or specified disease policies; (ii) 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 (iii) 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, 38.2-209 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.), §§ 32.2-1017 through 38.2-1023, §§ 38.2-1057, Articles 2 (§ 38.2-1306 et seq.), 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,

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59 38.2-3407.9 through 38.2-3407.16, 38.2-3411.2, 38.2-3411.3, 38.2-3412.1:01, 38.2-3414.1, 38.2-3418.1
60 through 38.2-3418.12, 38.2-3418.14, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision
61 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, 38.2-3514.1, 38.2-3514.2, §§ 38.2-3522.1 through
62 38.2-3523.4, 38.2-3525, 38.2-3542, 38.2-3543.2, Chapter 52 (§§ 38.2-5200 et seq.), Chapter 55
63 (§§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), and § 38.2-5903 of this title shall be applicable
64 to any health maintenance organization granted a license under this chapter. This chapter shall not apply
65 to an insurer or health services plan licensed and regulated in conformance with the insurance laws or
66 Chapter 42 (§ 38.2-4200 et seq.) of this title except with respect to the activities of its health
67 maintenance organization.

68 B. Solicitation of enrollees by a licensed health maintenance organization or by its representatives
69 shall not be construed to violate any provisions of law relating to solicitation or advertising by health
70 professionals.

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

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

78 E. For purposes of applying this section, "insurer" when used in a section cited in subsection A of
79 this section shall be construed to mean and include "health maintenance organizations" unless the section
80 cited clearly applies to health maintenance organizations without such construction.

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90 38.2-3418.12, 38.2-3418.14, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of
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