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**HOUSE BILL NO. 2704**

Offered January 17, 2001

*A BILL to amend and reenact §§ 38.2-3408 and 38.2-4221 of the Code of Virginia, relating to accident and sickness insurance; coverage for services of pharmacists.*

Patrons—Watts, Baskerville, Morgan and Shuler; Senators: Edwards and Martin

Referred to Committee on Corporations, Insurance and Banking

**Be it enacted by the General Assembly of Virginia:****1. That §§ 38.2-3408 and 38.2-4221 of the Code of Virginia are amended and reenacted as follows:**

§ 38.2-3408. Policy providing for reimbursement for services that may be performed by certain practitioners other than physicians.

A. If an accident and sickness insurance policy provides reimbursement for any service that may be legally performed by a person licensed in this Commonwealth as a chiropractor, optometrist, optician, professional counselor, psychologist, clinical social worker, podiatrist, physical therapist, chiropodist, clinical nurse specialist who renders mental health services, audiologist, speech pathologist, certified nurse midwife, or licensed acupuncturist, reimbursement under the policy shall not be denied because the service is rendered by the licensed practitioner.

B. If an accident and sickness insurance policy provides reimbursement for any service that may be legally performed by a licensed pharmacist, including administering vaccines or acting under the terms of a collaborative agreement, as defined in § 54.1-3300, with a physician, reimbursement shall not be denied because the service is rendered by the licensed pharmacist. However, reimbursement to pharmacists acting under the terms of a collaborative agreement under this subsection shall be limited to treatment for which there is a disease-state treatment protocol that (i) is clinically accepted as the standard of care or (ii) has been approved by the Informal Conference Committee of the Board of Medicine and the Board of Pharmacy pursuant to regulations promulgated by such Boards. In addition, reimbursement to pharmacists acting under the terms of a collaborative agreement under this subsection shall not be subject to the provisions of § 38.2-4209.1 or § 38.2-4312.1.

C. This section shall not apply to Medicaid, or any state fund.

§ 38.2-4221. Services of certain practitioners other than physicians to be covered.

A. A nonstock corporation shall not fail or refuse, either directly or indirectly, to allow or to pay to a subscriber for all or any part of the health services rendered by any doctor of podiatry, doctor of chiropody, optometrist, optician, chiropractor, professional counselor, psychologist, physical therapist, clinical social worker, clinical nurse specialist who renders mental health services, audiologist, speech pathologist, certified nurse midwife, ~~or~~ licensed acupuncturist, *or pharmacist* licensed to practice in Virginia, if the services rendered (i) are services provided for by the subscription contract and (ii) are services which the doctor of podiatry, doctor of chiropody, optometrist, optician, chiropractor, professional counselor, psychologist, physical therapist, clinical social worker, clinical nurse specialist who renders mental health services, audiologist, speech pathologist, certified nurse midwife, ~~or~~ licensed acupuncturist, *or pharmacist* is licensed to render in this Commonwealth.

B. If a health insurance plan provides reimbursement for any service that may be legally performed by a licensed pharmacist, including administering vaccines or acting under the terms of a collaborative agreement, as defined in § 54.1-3300, with a physician, reimbursement shall not be denied because the service is rendered by the licensed pharmacist. However, reimbursement to pharmacists acting under the terms of a collaborative agreement under this subsection shall be limited to treatment for which there is a disease-state treatment protocol that (i) is clinically accepted as the standard of care or (ii) has been approved by the Informal Conference Committee of the Board of Medicine and the Board of Pharmacy pursuant to regulations promulgated by such Boards. In addition, reimbursement to pharmacists acting under the terms of a collaborative agreement under this subsection shall not be subject to the provisions of § 38.2-4209.1 or § 38.2-4312.1.

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