

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 38.2-4319, as it is currently effective and as it shall become effective,*
 3 *of the Code of Virginia and to amend the Code of Virginia by adding a section numbered*
 4 *38.2-3418.14, relating to health insurance coverage for lymphedema.*

5 [H 1737]

6 Approved

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

8 **1. That § 38.2-4319 of the Code of Virginia, as it is currently effective and as it shall become**
 9 **effective, is amended and reenacted, and that the Code of Virginia is amended by adding a section**
 10 **numbered 38.2-3418.14 as follows:**

11 *§ 38.2-3418.14. Coverage for lymphedema.*

12 *A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or*
 13 *group accident and sickness insurance policies providing hospital, medical and surgical, or major*
 14 *medical, coverage on an expense-incurred basis; each corporation providing individual or group*
 15 *accident and sickness subscription contracts; and each health maintenance organization providing a*
 16 *health care plan for health care services shall provide coverage for lymphedema as provided in this*
 17 *section.*

18 *B. Coverage under this section shall include benefits for equipment, supplies, complex decongestive*
 19 *therapy, and outpatient self-management training and education for the treatment of lymphedema, if*
 20 *prescribed by a health care professional legally authorized to prescribe or provide such items under*
 21 *law.*

22 *C. A managed care health insurance plan, as defined in Chapter 58 (§ 38.2-5800 et seq.) of this*
 23 *title, may require such health care professional to be a member of the plan's provider network, provided*
 24 *that such network includes sufficient health care professionals who are qualified by specific education,*
 25 *experience, and credentials to provide the covered benefits described in this section.*

26 *D. No insurer, corporation, or health maintenance organization shall impose upon any person*
 27 *receiving benefits pursuant to this section any copayment, fee, policy year or calendar year, or*
 28 *durational benefit limitation or maximum for benefits or services that is not equally imposed upon all*
 29 *individuals in the same benefit category.*

30 *E. The requirements of this section shall apply to all insurance policies, contracts and plans*
 31 *delivered, issued for delivery, reissued, or extended in this Commonwealth on and after January 1,*
 32 *2004, or at any time thereafter when any term of the policy, contract or plan is changed or any*
 33 *premium adjustment is made.*

34 *F. This section shall not apply to short-term travel, accident only, limited or specified disease, or*
 35 *individual conversion policies or contracts, nor to policies or contracts designed for issuance to persons*
 36 *eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other*
 37 *similar coverage under state or federal governmental plans.*

38 *§ 38.2-4319. (Effective until July 1, 2004) Statutory construction and relationship to other laws.*

39 *A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this*
 40 *chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218*
 41 *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*
 42 *38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.),*
 43 *§§ 38.2-1017 through 38.2-1023, 38.2-1057, Articles 2 (§ 38.2-1306 et seq.), 3.1 (§§ 38.2-1316.1 et*
 44 *seq.), 4 (§ 38.2-1317 et seq.) and 5 (§ 38.2-1322 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.)*
 45 *and 2 (§ 38.2-1412 et seq.) of Chapter 14, §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405,*
 46 *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,*
 47 *38.2-3411.3, 38.2-3411.4, 38.2-3412.1:01, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.12, 38.2-3418.14,*
 48 *38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of*
 49 *§ 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3542,*
 50 *38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800*
 51 *et seq.), and § 38.2-5903 of this title shall be applicable to any health maintenance organization granted*
 52 *a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed*
 53 *and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) of this title*
 54 *except with respect to the activities of its health maintenance organization.*

55 *B. Solicitation of enrollees by a licensed health maintenance organization or by its representatives*
 56 *shall not be construed to violate any provisions of law relating to solicitation or advertising by health*

57 professionals.

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

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

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

68 § 38.2-4319. (Effective July 1, 2004) Statutory construction and relationship to other laws.

69 A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this
70 chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218
71 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
72 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.),
73 §§ 38.2-1017 through 38.2-1023, 38.2-1057, Articles 2 (§ 38.2-1306 et seq.), 3.1 (§§ 38.2-1316.1 et
74 seq.), 4 (§ 38.2-1317 et seq.) and 5 (§ 38.2-1322 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.)
75 and 2 (§ 38.2-1412 et seq.) of Chapter 14, §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405,
76 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,
77 38.2-3411.3, 38.2-3411.4, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.12, 38.2-3418.14, 38.2-3419.1,
78 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504,
79 §§ 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,
80 Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.) and
81 § 38.2-5903 of this title shall be applicable to any health maintenance organization granted a license
82 under this chapter. This chapter shall not apply to an insurer or health services plan licensed and
83 regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) of this title except
84 with respect to the activities of its health maintenance organization.

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