

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 38.2-3418.4 of the Code of Virginia, relating to accident and sickness*
3 *insurance; coverage for reconstructive breast surgery.*

4 [H 1886]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 38.2-3418.4 of the Code of Virginia is amended and reenacted as follows:**

8 § 38.2-3418.4. Coverage for reconstructive breast surgery; notice; eligibility.

9 A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or group
10 accident and sickness insurance policies providing hospital, medical and surgical, or major medical
11 coverage on an expense-incurred basis; each corporation providing individual or group accident and
12 sickness subscription contracts; and each health maintenance organization providing a health care plan
13 for health care services shall provide coverage for reconstructive breast surgery under such policy,
14 contract or plan delivered, issued for delivery or renewed in this Commonwealth.

15 B. The reimbursement for reconstructive breast surgery shall be determined according to the same
16 formula by which charges are developed for other medical and surgical procedures. Such coverage shall
17 have durational limits, dollar limits, deductibles and coinsurance factors that are no less favorable than
18 for physical illness generally. Coverage shall be provided in a manner determined in consultation with
19 the attending physician and the patient.

20 C. For purposes of this section, "mastectomy" means the surgical removal of all or part of the breast
21 and "reconstructive breast surgery" means surgery performed (i) coincident with or following a
22 mastectomy or (ii) following a mastectomy to reestablish symmetry between the two breasts, for
23 reconstructive breast surgery performed on or after October 21, 1998, and while the patient is or was a
24 covered person under the policy, contract or plan. Reconstructive breast surgery shall also include
25 coverage for prostheses, determined as necessary in consultation with the attending physician and
26 patient, and physical complications of mastectomy, including medically necessary treatment of
27 lymphedemas.

28 D. Written notice of the availability of this coverage shall be provided to the ~~enrollee~~ subscribers
29 upon enrollment in the policy and annually thereafter. Such notice shall be prominently positioned in
30 any literature or correspondence provided to the ~~enrollee~~ subscribers.

31 E. Eligibility for coverage shall not be denied solely for the purpose of avoiding the requirements of
32 this section, nor shall an attending provider be penalized or have the reimbursement reduced or
33 incentives, monetary or otherwise, provided to induce such provider to provide care in a manner
34 inconsistent with this section.

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

ENROLLED

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