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HOUSE BILL NO. 2803

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Commerce and Labor
on January 30, 2003)

(Patron Prior to Substitute—Delegate Carrico)

A BILL to amend and reenact § 38.2-3540.1 of the Code of Virginia, relating to accident and sickness insurance; claims experience.

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3540.1 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3540.1. Claims experience.

A. Each group accident and sickness insurance policy shall contain a provision which provides that an insurer, upon request, shall provide the policyholder with a complete record of the policyholder's claims experience incurred under the group policy. This record shall include all claims incurred for the lesser of (i) the period of time since the policy was issued or issued for delivery or (ii) the period of time since the policy was last renewed, reissued or extended, if already issued. This record shall be made available promptly to the policyholder upon request made not less than thirty days prior to the date upon which the premiums or contractual terms of the policy may be amended. Nothing in this section shall require the disclosure of personal or privileged information about an individual that is protected from disclosure under Chapter 6 (§ 38.2-600 et seq.) of this title, or under any other applicable federal or state law or regulation. *No policyholder shall be required to pay for information requested pursuant to this section.*

B. A policyholder that is a large employer as defined in subsection B of § 38.2-3431 shall receive from its insurer, upon request, at the time that the insurer provides claims experience under subsection A of this section (i) a summary of claims charges incurred and the amount paid with respect to those claims for the most recently available 24-month period; (ii) a listing of the number of enrollees for whom combined claims payments exceed \$50,000 for the most recently available 12-month period, and for the preceding 12-month if not previously provided, with information as to whether these enrollees from the most recently available 12-month period remain enrolled under the policy; and (iii) total enrollment in each membership type as of the end of the most recently available 12-month period. This record shall be made available to the policyholder within 15 business days upon written request made not less than 30 days prior to the date upon which the premiums or contractual terms of the policy may be amended. Nothing in this section shall require the disclosure of personal or privileged information about an individual that is protected from disclosure under Chapter 6 (§ 38.2-600 et seq.) of this title, or under any other applicable federal or state law or regulation. *No policyholder shall be required to pay for information requested pursuant to this section.*

C. The requirements of this section shall apply to all policies, contracts, and plans delivered, issued for delivery, reissued or extended on and after July 1, ~~1999~~2003, or at any time after the effective date hereof when any term of any such policy, contract or plan is changed or any premium adjustment is made.