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HOUSE BILL NO. 565

House Amendments in [] — February 5, 2004

A BILL to amend the Code of Virginia by adding a section numbered 8.01-27.3, relating to civil recoveries involving health care provider professional services.

Patron Prior to Engrossment—Delegate Albo

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-27.3 as follows:

§ 8.01-27.3. Civil recovery for professional services.

In the event any insured or enrollee of an accident and sickness insurance policy or health maintenance organization receives payment from the insurance company or health maintenance organization licensed under Title 38.2, pursuant to a claim that involves the provision of services to the insured or enrollee by a professional licensed under Title 54.1, and within 30 days of receipt of the payment does not forward the payment with the necessary endorsement to the professional for application towards the unpaid balance on the professional services subject to the claim, the professional may in a civil action brought by the filing of a warrant in debt recover from the insured or enrollee the lesser of \$250 or three times the amount of the payment, together with the amount of the payment. The amount recovered as authorized by this section shall be in addition to the amounts authorized for recovery under § [~~8.01-27.1~~ 8.01-271.1]. No action may be initiated under this section unless the professional, prior to receipt of payment by the insured or enrollee, forwards to the insured or enrollee via first class mail an invoice for services rendered. [~~No action may be initiated under this section if an action has been initiated pursuant to § 18.2-181.~~]

ENGROSSED

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