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**HOUSE BILL NO. 800**

Offered January 14, 2004

Prefiled January 14, 2004

*A BILL to amend and reenact § 38.2-4319 of the Code of Virginia, as it is currently effective and as it shall become effective, and to amend the Code of Virginia by adding a section numbered 38.2-3418.15, relating to health insurance; coverage for hearing aids for minor children.*

Patrons—Petersen and Callahan; Senator: Ticer

Referred to Committee on Commerce and Labor

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

**1. That § 38.2-4319 of the Code of Virginia, as it is currently effective and as it shall become effective, is amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 38.2-3418.15 as follows:**

*§ 38.2-3418.15. Coverage for hearing aids and related services.*

*A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall provide coverage for hearing aids and related services for children from birth to age 18 under any such policy, contract, or plan delivered, issued for delivery or renewed in the Commonwealth on and after July 1, 2004. Such coverage shall include payment of the cost of one hearing aid per hearing-impaired ear every 36 months, up to \$1,400 per hearing aid. The insured may choose a higher-priced hearing aid and may pay the difference in cost above \$1,400, with no financial or contractual penalty to the insured or to the provider of the hearing aid.*

*B. No insurer, corporation, or health maintenance organization shall impose upon any person receiving benefits pursuant to this section any copayment or fee, and no condition may be applied to the person that is not equally imposed upon all individuals in the same benefit category.*

*C. For the purposes of this section:*

*"Hearing aid" means any wearable, nondisposable instrument or device designed or offered to aid or compensate for impaired human hearing and any parts, attachments, or accessories, including earmolds, but excluding batteries and cords. Hearing aids are not to be considered durable medical equipment.*

*"Related services" includes earmolds, initial batteries, and other necessary equipment, maintenance, and adaptation training.*

*D. Coverage shall be available under this section only for services and equipment prescribed by a certified audiologist licensed to prescribe such services or equipment under Chapter 26 (§ 54.1-2600 et seq.) of Title 54.1.*

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

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

*A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this 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 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 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1017 through 38.2-1023, 38.2-1057, Articles 2 (§ 38.2-1306.2 et seq.), 3.1 (§§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.) and 5 (§ 38.2-1322 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.) and 2 (§ 38.2-1412 et seq.) of Chapter 14, §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 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, 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, 38.2-3418.15, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 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, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), and § 38.2-5903 of this title shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200*

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59 et seq.) of this title except with respect to the activities of its health maintenance organization.

60 B. Solicitation of enrollees by a licensed health maintenance organization or by its representatives  
61 shall not be construed to violate any provisions of law relating to solicitation or advertising by health  
62 professionals.

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

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

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

73 § 38.2-4319. (Effective July 1, 2004) Statutory construction and relationship to other laws.

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76 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  
77 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.),  
78 §§ 38.2-1017 through 38.2-1023, 38.2-1057, Articles 2 (§ 38.2-1306.2 et seq.), 3.1 (§§ 38.2-1316.1 et  
79 seq.), 4 (§ 38.2-1317 et seq.) and 5 (§ 38.2-1322 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.)  
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81 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,  
82 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~~ 38.2-3418.15,  
83 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of  
84 § 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,  
85 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800  
86 et seq.) and § 38.2-5903 of this title shall be applicable to any health maintenance organization granted a  
87 license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and  
88 regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) of this title except  
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