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SENATE BILL NO. 650

Offered January 23, 2004

A *BILL* to amend the Code of Virginia by adding a section numbered 38.2-3407.5:2, relating to accident and sickness insurance; exclusions from coverage for services related to genetic predisposition.

Patron—Deeds

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 38.2-3407.5:2, as follows:**

§ 38.2-3407.5:2. *Exclusion of coverage for prophylactic surgical procedures and related services for difficult-to-diagnose pathologies for which there is a genetic predisposition.*

A. No (i) 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; (ii) corporation providing individual or group accident and sickness subscription contracts; or (iii) health maintenance organization providing a health care plan for health care services, shall refuse to provide coverage for prophylactic surgical procedures and medical services directly related to such procedures in cases where (a) the covered person's treating physician has determined that the person has a genetic factor or family history indicating a predisposition to a difficult-to-diagnose pathology, (b) the risks to the covered person of developing the difficult-to-diagnose pathology as a result of such person's predisposition render the provision of prophylactic surgical procedures and medical services directly related to such procedures to be medically appropriate, and (c) coverage for treatment of the difficult-to-diagnose pathology would be provided under the terms of the policy, contract or plan if the difficult-to-diagnose pathology has been diagnosed.

B. As used in this section:

"Difficult-to-diagnose pathology" means a disease, such as but not limited to breast cancer or ovarian cancer, that is asymptomatic or otherwise not susceptible to diagnosis until reaching a stage at which the likelihood of successful treatment is significantly less than it would be had the treatment been performed when the disease was asymptomatic or not susceptible to diagnosis; and

"Prophylactic surgical procedure" means a mastectomy, hysterectomy, or similar surgical procedure, when performed prior to the diagnosis of or presentation of symptoms of a difficult-to-diagnose pathology, in order to prevent, eliminate or reduce the likelihood of the development of the difficult-to-diagnose pathology.

C. The provisions of this section shall not apply to short-term travel or accident-only 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 6 months' duration.

D. The provisions of this section shall be applicable to contracts, policies or plans delivered, issued for delivery or renewed in this Commonwealth on and after July 1, 2004.

INTRODUCED

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