

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 335

An Act to amend and reenact § 38.2-3430.3 of the Code of Virginia, relating to health insurance coverage; guaranteed availability of coverage.

[S 864]

Approved March 21, 2005

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3430.3 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3430.3. Guaranteed availability of individual health insurance coverage to certain individuals with prior group coverage.

A. Guaranteed availability.

1. All eligible individuals shall be provided a choice of all individual health insurance coverage currently being offered by a health insurance issuer and the chosen coverage shall be issued.

2. ~~Such~~ The coverage provided as required in subdivision A 1 shall not impose any preexisting condition exclusion *or affiliation period* with respect to ~~such~~ the coverage.

B. Health insurance issuers are prohibited from imposing any limitations or exclusions based upon named conditions that apply to eligible individuals.

C. Health insurance issuers shall include on all applications for health insurance coverage questions which will enable the health insurance issuer to determine if an applicant is applying for coverage as an eligible individual as defined in § 38.2-3430.2. This requirement shall not apply to applications used in connection with managed health care plans administering and providing care to Medicare beneficiaries in exchange for preestablished compensation from Medicare, as permitted under applicable state and federal guidelines.