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HOUSE BILL NO. 2489

House Amendments in [] - February 3, 2005

A BILL to amend and reenact § 51.1-1135.1 of the Code of Virginia, relating to the Virginia Sickness and Disability Program; appeal of disability benefit determinations.

Patron Prior to Engrossment—Delegate Petersen

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That § 51.1-1135.1 of the Code of Virginia is amended and reenacted as follows:

§ 51.1-1135.1. Appeals.

The Board may elect to develop an alternative to the process set forth in the Administrative Process Act (§ 2.2-4000 et seq.) to allow appeals of case decisions related to the payment of disability benefits under this chapter. This alternative process shall be modeled after the claims provisions as provided for in the federal Employee Retirement Income Security Act of 1974, as amended, and shall (i) provide for adequate notice in writing to any participant whose claim for benefits has been denied setting forth the specific reasons for such denial, [~~written in a manner calculated to be understood by the participant,~~] and (ii) afford a reasonable opportunity to any participant whose claim for benefits has been denied for a [~~full and fair~~] review of the decision denying the claim. Articles 3 (§ 2.2-4018 et seq.) and 4 (§ 2.2-4024 et seq.) of the Administrative Process Act (~~§ 2.2-4000 et seq.~~) shall not apply to any portion of this alternative appeals process. However, any person aggrieved by, and claiming the unlawfulness of, a final case decision issued pursuant to this alternative appeals process, whether issued by the Board or by the Board's delegate, shall have a right to seek judicial review thereof. Such judicial review shall be in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act (~~§ 2.2-4025 et seq.~~).

ENGROSSED

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