

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 51.1-1135.1 of the Code of Virginia, relating to the Virginia Sickness*
3 *and Disability Program; appeal of disability benefit determinations.*

4 [H 2489]

5 Approved

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7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 51.1-1135.1 of the Code of Virginia is amended and reenacted as follows:**

9 § 51.1-1135.1. Appeals.

10 The Board may elect to develop an alternative *to the process set forth in the Administrative Process*
11 *Act (§ 2.2-4000 et seq.)* to allow appeals of case decisions related to the payment of disability benefits
12 under this chapter. This alternative process shall be modeled after the claims provisions as provided for
13 in the federal Employee Retirement Income Security Act of 1974, as amended, *and shall (i) provide for*
14 *adequate notice in writing to any participant whose claim for benefits has been denied setting forth the*
15 *specific reasons for such denial, and (ii) afford a reasonable opportunity to any participant whose claim*
16 *for benefits has been denied for a review of the decision denying the claim.* Articles 3 (§ 2.2-4018 et
17 seq.) and 4 (§ 2.2-4024 ~~et seq.~~) of the Administrative Process Act (~~§ 2.2-4000 et seq.~~) shall not apply to
18 any portion of this alternative appeals process. However, any person aggrieved by, and claiming the
19 unlawfulness of, a final case decision issued pursuant to this alternative appeals process, whether issued
20 by the Board or by the Board's delegate, shall have a right to seek judicial review thereof. Such judicial
21 review shall be in accordance with Article 5 (§ 2.2-4025 *et seq.*) of the Administrative Process Act
22 (~~§ 2.2-4025 et seq.~~).

ENROLLED

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