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SENATE BILL NO. 638

Offered January 17, 2006

A *BILL to amend the Code of Virginia by adding a section numbered 38.2-609.1, relating to the use of alternative contact information for victims of domestic violence.*

Patrons—Ticer, Colgan, Howell, Potts and Whipple; Delegates: Amundson, Brink, Bulova, Callahan, Caputo, Eisenberg, Englin, Hull, Marsden, Plum, Poisson, Sickles and Watts

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 38.2-609.1 as follows:

§ 38.2-609.1. Right to require use of alternate contact information.

A. As used in this section:

"Alternative contact information" means an address or contact information that provides a different location from the address in the covered entity's records.

"Covered entity" means a health plan, a health care clearinghouse, or a health care provider that is subject to the Health Insurance Portability and Accountability Act of 1996 pursuant to 45 C.F.R. § 160.103.

"Domestic violence" means the occurrence of one or more of the following acts by a current or former family member, household member as defined in § 16.1-228, person against whom the victim obtained a protective order, or caretaker:

1. Attempting to cause or causing or threatening another person physical harm, severe emotional distress, psychological trauma, rape, or sexual assault;

2. Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances that place the person in reasonable fear of bodily injury or physical harm;

3. Subjecting another person to false imprisonment; or

4. Attempting to cause or causing damage to property so as to intimidate or attempt to control the behavior of another person.

"Victim of domestic violence" means an individual upon whom domestic violence has been perpetrated and who has a good faith belief that disclosure of information could endanger the individual.

B. A covered entity, upon receipt from a victim of domestic violence of alternative contact information and a request that the alternative contact information be used, shall use such alternative contact information for sending bills, explanations of benefits, routine calls, and other health care communications to the individual on a confidential basis.

C. A covered health care provider shall not require an explanation from the individual as to the basis for the request as a condition of providing communications on a confidential basis.

INTRODUCED

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