

2007 SESSION

INTRODUCED

064298780

SENATE BILL NO. 160

Offered January 11, 2006

Prefiled January 10, 2006

A BILL to amend and reenact § 38.2-3407.13:2 of the Code of Virginia, relating to health insurance payments for services of nonparticipating providers.

Patron—Norment

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.13:2 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3407.13:2. (See Editor's note) Claims paid to insureds for services from nonparticipating physicians.

When an insurer, health services plan or health maintenance organization follows a policy of sending its payment to the insured, subscriber or enrollee for a claim for services received from a nonparticipating physician or osteopath, the insurer, health services plan or health maintenance organization shall: (i) include

1. Include language in the certificate or evidence of coverage of the insured, subscriber or enrollee that notifies the insured, subscriber or enrollee of the responsibility to apply the plan payment to the claim from such nonparticipating provider; (ii) include this and of the nonparticipating provider's right to recover from such insured, subscriber or enrollee the lesser of \$250 or three times the amount of payment, together with the amount of payment pursuant to § 8.01-27.4, if the insured, subscriber or enrollee fails to apply payment to the claim within 30 days of receipt of the payment from the insurer;

2. Include the language required pursuant to subdivision 1 with any such payment sent to the insured, subscriber or enrollee, and (iii) include

3. Include the name and any last known address of the nonparticipating provider on the explanation of benefits statement.

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