

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 209

An Act to amend and reenact § 38.2-3525 of the Code of Virginia, relating to group accident and sickness insurance; full-time students.

[H 196]

Approved March 3, 2008

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3525 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3525. Group accident and sickness insurance coverages of spouses, dependent children or other persons.

A. Coverage under a group accident and sickness insurance policy, except a policy issued pursuant to subsection B of § 38.2-3521.1, may be extended to insure:

1. The spouse and any child who is (i) under the age of 19 years, (ii) who is a dependent and under the age of 25 years, or (iii) who is a dependent and a full-time student under 25 years of age, without regard to whether such child resides in the same household as the insured group member, or any class of spouse and dependent children, of each insured group member who so elects; and

2. Any other class of persons as may mutually be agreed upon by the insurer and the group policyholder.

B. The amount of accident and sickness insurance for the spouse, dependent child or other person shall not exceed the amount of accident and sickness insurance for the insured group member.

C. At the insurer's option and subject to the policyholder's election, the coverage for children of the insured group member may be extended beyond the ages established in subsection A. Any such extension of coverage shall be as mutually agreed upon by the insurer and the group policyholder.

D. Notwithstanding the provisions of § 38.2-3538, one certificate may be issued for each insured group member if a statement concerning any spouse's, dependent child's, or other person's coverage is included in the certificate.

E. When a policy provides coverage for a dependent child ~~under the age of 25~~ who is enrolled *based upon the child's status* as a full-time student and such child is unable due to a medical condition to continue as a full-time student, coverage under the policy for such child nevertheless shall continue in force *provided the child's treating physician certifies to the insurer at the time the child withdraws as a full-time student that the child's absence is medically necessary. Coverage for such child shall continue in force until the earlier of (i) for a period of not more than the date that is 12 months from the date the child ceases to be a full-time student or (ii) until such the date the child attains age 25, whichever first occurs, provided the child's treating physician certifies to the insurer at the time the child withdraws as a full-time student that the child's absence is medically necessary no longer qualifies as a dependent child under the terms of the group policy.* A child's status as a full-time student shall be determined in accordance with the criteria specified by the institution in which the child is enrolled.