

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 38.2-4214, 38.2-4319, 38.2-4408, and 38.2-4509 of the Code of*
 3 *Virginia, relating to insurance; hypothecation of assets.*

[S 748]

Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That §§ 38.2-4214, 38.2-4319, 38.2-4408, and 38.2-4509 of the Code of Virginia are amended and**
 8 **reenacted as follows:**

9 **§ 38.2-4214. Application of certain provisions of law.**

10 No provision of this title except this chapter and, insofar as they are not inconsistent with this
 11 chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-230,
 12 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-326, 38.2-400, 38.2-402 through 38.2-413,
 13 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, 38.2-700 through 38.2-705, 38.2-900 through
 14 38.2-904, 38.2-1017, 38.2-1018, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et
 15 seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, 38.2-1317
 16 through 38.2-1328, 38.2-1334, 38.2-1340, 38.2-1400 through 38.2-1444 38.2-1442, 38.2-1446,
 17 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3400, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3405.1,
 18 38.2-3406.1, 38.2-3406.2, 38.2-3407.1 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.18,
 19 38.2-3409, 38.2-3411 through 38.2-3419.1, 38.2-3430.1 through 38.2-3454, 38.2-3501, 38.2-3502,
 20 subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, §§ 38.2-3516
 21 through 38.2-3520 as they apply to Medicare supplement policies, §§ 38.2-3522.1 through 38.2-3523.4,
 22 38.2-3525, 38.2-3540.1, 38.2-3541 through 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of
 23 Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), §§ 38.2-3600 through 38.2-3607, Chapter 52
 24 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) of this title
 25 shall apply to the operation of a plan.

26 **§ 38.2-4319. Statutory construction and relationship to other laws.**

27 A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this
 28 chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218
 29 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-326, 38.2-400,
 30 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9
 31 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2
 32 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et
 33 seq.), and 5.1 (§ 38.2-1334.3 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.) and 2 (§ 38.2-1412
 34 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-1800 through 38.2-1836, 38.2-3401,
 35 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through
 36 38.2-3407.18, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1:01, 38.2-3414.1,
 37 38.2-3418.1 through 38.2-3418.17, 38.2-3419.1, 38.2-3430.1 through 38.2-3454, 38.2-3500, subdivision
 38 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through
 39 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Article 5
 40 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et
 41 seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any
 42 health maintenance organization granted a license under this chapter. This chapter shall not apply to an
 43 insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter
 44 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

45 B. For plans administered by the Department of Medical Assistance Services that provide benefits
 46 pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title
 47 except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136,
 48 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229,
 49 38.2-232, 38.2-322, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through
 50 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1,
 51 Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et
 52 seq.), 5 (§ 38.2-1322 et seq.), and 5.1 (§ 38.2-1334.3 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et
 53 seq.) and 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405,
 54 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and
 55 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3,
 56 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1,

57 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504,
 58 §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2,
 59 38.2-3541.2, 38.2-3542, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.),
 60 and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted
 61 a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed
 62 and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with
 63 respect to the activities of its health maintenance organization.

64 C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives
 65 shall not be construed to violate any provisions of law relating to solicitation or advertising by health
 66 professionals.

67 D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful
 68 practice of medicine. All health care providers associated with a health maintenance organization shall
 69 be subject to all provisions of law.

70 E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health
 71 maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to
 72 offer coverage to or accept applications from an employee who does not reside within the health
 73 maintenance organization's service area.

74 F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and
 75 B shall be construed to mean and include "health maintenance organizations" unless the section cited
 76 clearly applies to health maintenance organizations without such construction.

77 **§ 38.2-4408. Application of certain provisions.**

78 No provision of this title except this chapter and insofar as they are not inconsistent with this chapter
 79 §§ 38.2-100, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229,
 80 38.2-316, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620,
 81 38.2-700 through 38.2-704, 38.2-800 through 38.2-806, 38.2-1038, 38.2-1040 through 38.2-1044, and
 82 Articles 1 (§ 38.2-1300 et seq.), 2 (§ 38.2-1306.2 et seq.), and 4 (§ 38.2-1317 et seq.) of Chapter 13, and
 83 §§ 38.2-1800 through 38.2-1836, insofar as they are not inconsistent with this chapter, and § 58.1-2500
 84 et seq. shall apply to the operation of a plan.

85 **§ 38.2-4509. Application of certain laws.**

86 A. No provision of this title except this chapter and, insofar as they are not inconsistent with this
 87 chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229,
 88 38.2-316, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through
 89 38.2-620, 38.2-900 through 38.2-904, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300
 90 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, Articles 4
 91 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 6 (§ 38.2-1335 et seq.) of Chapter 13, §§ 38.2-1400
 92 through ~~38.2-1444~~ 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3401,
 93 38.2-3404, 38.2-3405, 38.2-3407.1, 38.2-3407.4, 38.2-3407.10, 38.2-3407.13, 38.2-3407.14,
 94 38.2-3407.15, 38.2-3407.17, 38.2-3415, 38.2-3541, Article 5 (§ 38.2-3551 et seq.) of Chapter 35,
 95 §§ 38.2-3600 through 38.2-3603, Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.)
 96 shall apply to the operation of a plan.

97 B. The provisions of subsection A of § 38.2-322 shall apply to an optometric services plan. The
 98 provisions of subsection C of § 38.2-322 shall apply to a dental services plan.

99 C. The provisions of Article 1.2 (§ 32.1-137.7 et seq.) of Chapter 5 of Title 32.1 shall not apply to
 100 either an optometric or dental services plan.

101 D. The provisions of § 38.2-3407.1 shall apply to claim payments made on or after January 1, 2014.
 102 No optometric or dental services plan shall be required to pay interest computed under § 38.2-3407.1 if
 103 the total interest is less than \$5.