

Department of Planning and Budget 2018 Fiscal Impact Statement

1. **Bill Number:** HB21

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Kory

3. **Committee:** Commerce and Labor

4. **Title:** Reproductive health services; health benefit plans to cover costs of certain services

5. **Summary:** Requires health benefit plans to cover the costs of specified health care services, drugs, devices, products, and procedures related to reproductive health, including (i) well-woman preventive visits; (ii) counseling for sexually transmitted infections; (iii) screening for certain conditions; (iv) folic acid supplements; (v) breastfeeding support, counseling, and supplies; (vi) breast cancer chemoprevention counseling; (vii) contraceptive drugs, devices, or products; (viii) voluntary sterilization; and (ix) any additional preventive services for women that must be covered without cost sharing under federal law as of January 1, 2017. The mandated coverage does not include abortion services other than when performed when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when the pregnancy is the result of an alleged act of rape or incest. The measure provides an exemption for plans sold to religious employers. Carriers are prohibited from excluding a covered person from participating in, being denied the benefits of, or otherwise being subjected to discrimination in the coverage of or payment for reproductive health services and a violation constitutes an unfair trade practice. The health benefit plan requirements become effective when a plan is delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, 2019, or at any time thereafter when any term of the health benefit plan is changed or any premium adjustment is made.

6. **Budget Amendment Necessary:** No.

7. **No Fiscal Impact**

8. **Fiscal Implications:** According to the Department of Human Resource Management, the services listed in the proposed legislation are currently covered through the state health insurance plans; therefore, proposed legislation is not expected to have a state fiscal impact.

9. **Specific Agency or Political Subdivisions Affected:** Department of Human Resource Management and State Corporation Commission.

10. Technical Amendment Necessary: The State Corporation Commission (SCC) recommends the following amendments:

- The SCC’s Bureau of Insurance recommends striking Lines 142-146 and inserting the following language:
“Coverage for reproductive health services shall be provided without any deduction for coinsurance, copayments or any other cost-sharing amounts.”

According to the SCC, this amendment clarifies who makes reimbursements to providers and that there is no assignment of benefits to potentially non-participating providers.

- Line 169 of the bill addresses network providers, which is under the purview of the Department of Health under Section 32.1-137.1, so the reference to “by the Commission” on Line 170 may be misleading without amendments to Title 32.1 and related regulations.
- The SCC’s Bureau of Insurance recommends striking subsection K of Section 38.2-3418.18 (Lines 178-179) because the provision is not clear as to which federal funds of the Commonwealth are being addressed.

11. Other Comments: None.