

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 38.2-3408 and 38.2-4221 of the Code of Virginia, relating to accident*
3 *and sickness insurance and health services plans; reimbursement for services provided by nurse*
4 *practitioners.*

5 [S 1178]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That §§ 38.2-3408 and 38.2-4221 of the Code of Virginia are amended and reenacted as follows:**9 **§ 38.2-3408. Policy providing for reimbursement for services that may be performed by certain**
10 **practitioners other than physicians.**11 A. If an accident and sickness insurance policy provides reimbursement for any service that may be
12 legally performed by a person licensed in this Commonwealth as a chiropractor, optometrist, optician,
13 professional counselor, psychologist, clinical social worker, podiatrist, physical therapist, chiropodist,
14 clinical nurse specialist who renders mental health services, audiologist, speech pathologist, certified
15 nurse midwife *or other nurse practitioner*, marriage and family therapist, or licensed acupuncturist,
16 reimbursement under the policy shall not be denied because the service is rendered by the licensed
17 practitioner.18 B. If an accident and sickness insurance policy provides reimbursement for a service that may be
19 legally performed by a licensed pharmacist, reimbursement under the policy shall not be denied because
20 the service is rendered by the licensed pharmacist provided that (i) the service is performed for an
21 insured for a condition under the terms of a collaborative agreement, as defined in § 54.1-3300, between
22 a pharmacist and the physician with whom the insured is undergoing a course of treatment or (ii) the
23 service is for the administration of vaccines for immunization. Notwithstanding the provisions of
24 § 38.2-3407, the insurer may require the pharmacist, any pharmacy or provider that may employ such
25 pharmacist, or the collaborating physician to enter into a written agreement with the insurer as a
26 condition for reimbursement for such services. In addition, reimbursement to pharmacists acting under
27 the terms of a collaborative agreement under this subsection shall not be subject to the provisions of
28 § 38.2-3407.7.

29 C. This section shall not apply to Medicaid, or any state fund.

30 **§ 38.2-4221. Services of certain practitioners other than physicians to be covered.**31 A. A nonstock corporation shall not fail or refuse, either directly or indirectly, to allow or to pay to
32 a subscriber for all or any part of the health services rendered by any doctor of podiatry, doctor of
33 chiropody, optometrist, optician, chiropractor, professional counselor, psychologist, physical therapist,
34 clinical social worker, clinical nurse specialist who renders mental health services, audiologist, speech
35 pathologist, certified nurse midwife *or other nurse practitioner*, marriage and family therapist, or
36 licensed acupuncturist licensed to practice in Virginia, if the services rendered (i) are services provided
37 for by the subscription contract and (ii) are services which the doctor of podiatry, doctor of chiropody,
38 optometrist, optician, chiropractor, professional counselor, psychologist, physical therapist, clinical social
39 worker, clinical nurse specialist who renders mental health services, audiologist, speech pathologist,
40 certified nurse midwife *or other nurse practitioner*, marriage and family therapist, or licensed
41 acupuncturist is licensed to render in this Commonwealth.42 B. If a subscription contract provides reimbursement for a service that may be legally performed by a
43 licensed pharmacist, reimbursement under the subscription contract by the nonstock corporation shall not
44 be denied because the service is rendered by the licensed pharmacist provided that (i) the service is
45 performed for a subscriber for a condition under the terms of a collaborative agreement, as defined in
46 § 54.1-3300, between a pharmacist and the physician with whom the subscriber is undergoing a course
47 of treatment or (ii) the service is for the administration of vaccines for immunization. Notwithstanding
48 the provisions of § 38.2-4209, the nonstock corporation may require the pharmacist, any pharmacy or
49 provider that may employ such pharmacist, or the collaborating physician to enter into a written
50 agreement with the nonstock corporation as a condition for reimbursement for such services. In addition,
51 reimbursement to pharmacists acting under the terms of a collaborative agreement under this subsection
52 shall not be subject to the provisions of § 38.2-4209.1.53 **2. That the requirements of § 30-343 of the Code of Virginia regarding the conduct of an**
54 **assessment by the Health Insurance Reform Commission shall not apply to this act.**55 **3. That the provisions of the first enactment of this act shall become effective on October 1, 2019.**