

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 54.1-2910.3:1 of the Code of Virginia, relating to Medicaid participants;*
3 *treatment involving prescription of opioids; payment.*

4
5 Approved

[S 594]

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

7 **1. That § 54.1-2910.3:1 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 54.1-2910.3:1. Medicaid recipients; treatment involving prescription of opioids; payment.**

9 A. No provider licensed pursuant to this chapter, *regardless of whether the provider participates in*
10 *the state plan for medical assistance*, shall request or require a patient who is a recipient of medical
11 assistance services pursuant to the state plan for medical assistance and who is a recipient of health care
12 services involving (i) the prescription of an opioid for the management of pain or (ii) the prescription of
13 buprenorphine-containing products, methadone, or other opioid replacements approved for the treatment
14 of opioid addiction by the U.S. Food and Drug Administration for medication-assisted treatment of
15 opioid addiction to pay costs associated with the provision of such service out-of-pocket. The prohibition
16 on payment of costs shall not apply to a recipient's cost-sharing amounts required by the state plan for
17 medical assistance.

18 B. Every provider who does not accept payment from the Department of Medical Assistance Services
19 for health care services who intends to provide health care services described in subsection A to a
20 patient who is a recipient of medical assistance services pursuant to the state plan for medical assistance
21 shall, prior to providing such health care services, provide written notice to such patient that (i) the
22 Commonwealth's program of medical assistance services covers the health care services described in
23 subsection A and the Department of Medical Assistance Services will pay for such health care services
24 if such health care services are determined to meet the Department of Medical Assistance Service's
25 medical necessity criteria and (ii) the provider does not participate in the Commonwealth's program of
26 medical assistance and will not accept payment from the Department of Medical Assistance Services for
27 such health care services. Such notice and the patient's acknowledgment of such notice shall be
28 documented in the patient's medical record *and does not exempt the provider from the requirements of*
29 *subsection A.*

ENROLLED

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