

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 38.2-4214 and 38.2-4319 of the Code of Virginia and to amend the*
 3 *Code of Virginia by adding in Article 1 of Chapter 34 of Title 38.2 a section numbered 38.2-3407.2,*
 4 *relating to accident and sickness insurance; podiatrists.*

5 [S 552]

6 Approved

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

8 **1. That §§ 38.2-4214 and 38.2-4319 of the Code of Virginia are amended and reenacted and that**
 9 **the Code of Virginia is amended by adding in Article 1 of Chapter 34 of Title 38.2 a section**
 10 **numbered 38.2-3407.2 as follows:**

11 § 38.2-3407.2. *Exclusion of podiatrist not permitted under certain circumstances.*

12 *No podiatrist shall be excluded from participating in any preferred provider plan pursuant to this*
 13 *chapter or Chapter 42 of this title or health maintenance organization pursuant to Chapter 43 of this*
 14 *title solely because such preferred provider plan or health maintenance organization requires that*
 15 *participating health care providers have active medical staff privileges or admitting medical staff*
 16 *privileges at specified hospitals, provided that the podiatrist has a delineation of privileges that enables*
 17 *such podiatrist to perform the type of services that are covered by the preferred provider plan or health*
 18 *maintenance organization at the designated hospital or hospitals. The Commission shall have no*
 19 *jurisdiction to adjudicate controversies arising out of this section.*

20 § 38.2-4214. Application of certain provisions of law.

21 No provision of this title except this chapter and, insofar as they are not inconsistent with this
 22 chapter, §§ 38.2-200, 38.2-203, 38.2-210 through 38.2-213, 38.2-218 through 38.2-225, 38.2-230,
 23 38.2-232, 38.2-316, 38.2-322, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600
 24 through 38.2-620, 38.2-700 through 38.2-705, 38.2-900 through 38.2-904, 38.2-1017, 38.2-1018,
 25 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.)
 26 of Chapter 13, 38.2-1312, 38.2-1314, 38.2-1317 through 38.2-1328, 38.2-1334, 38.2-1340, 38.2-1400
 27 through 38.2-1444, 38.2-1800 through 38.2-1836, 38.2-3400, 38.2-3401, 38.2-3404, 38.2-3405,
 28 38.2-3407.1, 38.2-3407.2, 38.2-3409, 38.2-3411 through 38.2-3419.1, 38.2-3425 through 38.2-3429,
 29 38.2-3431, 38.2-3432, 38.2-3500, 38.2-3501, 38.2-3502, 38.2-3516 through 38.2-3520 as they apply to
 30 Medicare supplement policies, §§ 38.2-3525, 38.2-3540.1, 38.2-3541, 38.2-3542, 38.2-3600 through
 31 38.2-3607 and Chapter 53 of this title shall apply to the operation of a plan.

32 § 38.2-4319. Statutory construction and relationship to other laws.

33 A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this
 34 chapter, §§ 38.2-100, 38.2-200, 38.2-210 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229,
 35 38.2-232, 38.2-316, 38.2-322, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600
 36 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.) of this title, 38.2-1057, 38.2-1306.2 through 38.2-1310,
 37 Article 4 (§ 38.2-1317 et seq.) of Chapter 13, 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405,
 38 38.2-3407.2, 38.2-3411.2, 38.2-3418.1, 38.2-3419.1, 38.2-3431, 38.2-3432, 38.2-3500, 38.2-3525,
 39 38.2-3542, and Chapter 53 (§ 38.2-5300 et seq.) of this title shall be applicable to any health
 40 maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer
 41 or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42
 42 (§ 38.2-4200) of this title except with respect to the activities of its health maintenance organization.

43 B. Solicitation of enrollees by a licensed health maintenance organization or by its representatives
 44 shall not be construed to violate any provisions of law relating to solicitation or advertising by health
 45 professionals.

46 C. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful
 47 practice of medicine. All health care providers associated with a health maintenance organization shall
 48 be subject to all provisions of law.

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