

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 38.2-4319 of the Code of Virginia, relating to health maintenance*
3 *organizations; small employer market provisions.*

4 [H 1715]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 38.2-4319 of the Code of Virginia is amended and reenacted as follows:**

8 § 38.2-4319. Statutory construction and relationship to other laws.

9 A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this
10 chapter, §§ 38.2-100, 38.2-200, 38.2-210 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229,
11 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
12 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,
13 Article 4 (§ 38.2-1317 et seq.) of Chapter 13, 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405,
14 38.2-3405.1, 38.2-3407.2 through 38.2-3407.6, 38.2-3411.2, 38.2-3418.1, 38.2-3418.1:1, 38.2-3419.1,
15 38.2-3431, 38.2-3432, 38.2-3433, 38.2-3500, 38.2-3525, 38.2-3542, and Chapter 53 (§ 38.2-5300 et seq.)
16 of this title shall be applicable to any health maintenance organization granted a license under this
17 chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in
18 conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) of this title except with respect
19 to the activities of its health maintenance organization.

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

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

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

ENROLLED

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