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HOUSE BILL NO. 1472

Offered January 22, 1996

A BILL to amend and reenact §§ 38.2-4214 and 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 34 of Title 38.2 a section numbered 38.2-3407.10, relating to accident and sickness insurance; access to ob/gyn services.

Patrons—Watkins, Bennett, Bryant, Callahan, Connally, Plum, Puller, Scott, Watts and Woodrum;
Senators: Benedetti, Holland, Houck, Howell, Lucas, Martin, Maxwell, Quayle, Saslaw, Ticer,
Walker, Whipple and Woods

Referred to Committee on Corporations, Insurance and Banking

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-4214 and 38.2-4319 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 34 of Title 38.2 a section numbered 38.2-3407.10 as follows:

§ 38.2-3407.10. Access to obstetrical and gynecological services.

A. Each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis through a preferred provider organization, each corporation providing individual or group accident and sickness subscription contracts through a preferred provider organization, and each health maintenance organization providing a health care plan for health care services that provides coverage for gynecological and obstetrical services under any such policy, contract or plan delivered, issued for delivery or renewed in this Commonwealth on and after July 1, 1996, shall (i) permit any female of age thirteen or older covered thereunder to designate an obstetrician-gynecologist, authorized to provide health care services under such policy, contract or plan as a primary care physician or (ii) permit such covered individual to receive an annual examination from an authorized obstetrician-gynecologist for routine gynecological care without a prior referral from such individual's primary care provider.

B. For the purposes of this section, health care services may be provided by nurse practitioners, physician's assistants and certified nurse midwives in collaboration with obstetrician-gynecologists authorized to provide care to individuals covered under any such policies, contracts or plans to the extent authorized by statute and regulation.

C. The provisions of this section shall not apply to short-term travel, accident only, limited or specified disease policies, or to short-term nonrenewable policies of not more than six months' duration.

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

No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-210 through 38.2-213, 38.2-218 through 38.2-225, 38.2-230, 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 through 38.2-620, 38.2-700 through 38.2-705, 38.2-900 through 38.2-904, 38.2-1017, 38.2-1018, 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.) 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 through 38.2-1444, 38.2-1800 through 38.2-1836, 38.2-3400, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3405.1, 38.2-3407.1 through 38.2-3407.6, 38.2-3407.9, 38.2-3407.10, 38.2-3409, 38.2-3411 through 38.2-3419.1, 38.2-3425 through 38.2-3429, 38.2-3431, 38.2-3432, 38.2-3500, 38.2-3501, 38.2-3502, 38.2-3514.1, 38.2-3516 through 38.2-3520 as they apply to Medicare supplement policies, §§ 38.2-3525, 38.2-3540.1, 38.2-3541, 38.2-3542, 38.2-3600 through 38.2-3607 and Chapter 53 (§ 38.2-5300 et seq.) of this title shall apply to the operation of a plan.

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

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-200, 38.2-210 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229, 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 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.) of this title, 38.2-1057, 38.2-1306.2 through 38.2-1309, Article 4 (§ 38.2-1317 et seq.) of Chapter 13, 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3407.2 through 38.2-3407.6, 38.2-3407.9, 38.2-3407.10, 38.2-3411.2, 38.2-3418.1, 38.2-3418.1:1, 38.2-3418.2, 38.2-3419.1, 38.2-3431, 38.2-3432, 38.2-3433, 38.2-3500, 38.2-3514.1, 38.2-3525, 38.2-3542, and Chapter 53 (§ 38.2-5300 et seq.) of this title shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) of this title except with respect to the activities of its health maintenance

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60 organization.

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

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

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