

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 1 of Chapter 10 of Title 32.1 a section*  
3 *numbered 32.1-330.2, relating to Medicaid managed care plans; program information documents.*

4 [H 617]

5 Approved

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

7 **1. That the Code of Virginia is amended by adding in Article 1 of Chapter 10 of Title 32.1 a**  
8 **section numbered 32.1-330.2 as follows:**

9 *§ 32.1-330.2. Medicaid managed care programs; program information documents; plain language*  
10 *required.*

11 *A. Whenever medical assistance services pursuant to this chapter are furnished through managed*  
12 *care programs, the Board of Medical Assistance Services shall require that all program information*  
13 *documents furnished recipients covered thereunder shall be written in nontechnical, readily*  
14 *understandable language, using words of common, everyday usage.*

15 *B. Each sponsor or administrator of any such managed care program shall test the readability of its*  
16 *program information documents by use of the Flesch Readability Formula, as set forth in Rudolf Flesch,*  
17 *The Art of Readable Writing (1949, as revised 1974), and no program information document shall be*  
18 *used unless it achieves a Flesch total readability score of forty or more. The requirements of this*  
19 *subsection shall not apply to language which is mandated by federal or state laws, regulations or*  
20 *agencies.*

21 *C. All program information documents within the scope of this section, and all amendments thereto,*  
22 *shall be filed with the Department of Medical Assistance Services in advance of their use and*  
23 *distribution, accompanied by certificates setting forth the Flesch scores and certifying compliance with*  
24 *the requirements of this section. Any program information document which is exempt from the*  
25 *requirements of subsection B shall be accompanied by a documentation of the federal or state law,*  
26 *regulation or agency mandate that authorizes the exemption.*

27 *D. For the purpose of this section, the term "program information documents" means all forms,*  
28 *brochures, handbooks or other documentation (i) provided recipients covered under Medicaid managed*  
29 *care programs, and (ii) describing the programs' medical care coverages and the rights and*  
30 *responsibilities of recipients covered thereunder. Further, the term "recipient" shall include potential*  
31 *recipients and recipients.*

32 **2. That the provisions of this act shall become effective January 1, 1997.**

ENROLLED

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