

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 38.2-4319 of the Code of Virginia and to amend the Code of Virginia*  
3 *by adding a section numbered 38.2-3418.1:2, relating to accident and sickness insurance; coverage*  
4 *for annual pap smears.*

5 [S 432]

6 Approved

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

8 **1. That § 38.2-4319 of the Code of Virginia is amended and reenacted and that the Code of**  
9 **Virginia is amended by adding a section numbered 38.2-3418.1:2 as follows:**

10 § 38.2-3418.1:2. *Coverage for pap smears.*

11 *A. Notwithstanding the provisions § 38.2-3419, each insurer proposing to issue individual or group*  
12 *accident and sickness insurance policies providing hospital, medical and surgical or major medical*  
13 *coverage on an expense incurred basis, each corporation providing individual or group accident and*  
14 *sickness subscription contracts and each health maintenance organization providing a health care plan*  
15 *for health care services shall provide coverage under such policy, contract or plan delivered, issued for*  
16 *delivery or renewed in this Commonwealth on and after July 1, 1996, for annual pap smears.*

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

19 § 38.2-4319. Statutory construction and relationship to other laws.

20 A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this  
21 chapter, §§ 38.2-100, 38.2-200, 38.2-210 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229,  
22 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  
23 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,  
24 Article 4 (§ 38.2-1317 et seq.) of Chapter 13, 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405,  
25 38.2-3405.1, 38.2-3407.2 through 38.2-3407.6, 38.2-3407.9, 38.2-3411.2, 38.2-3418.1, 38.2-3418.1:1,  
26 38.2-3418.1:2, 38.2-3418.2, 38.2-3419.1, 38.2-3431, 38.2-3432, 38.2-3433, 38.2-3500, 38.2-3514.1,  
27 38.2-3525, 38.2-3542, and Chapter 53 (§ 38.2-5300 et seq.) of this title shall be applicable to any health  
28 maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer  
29 or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42  
30 (§ 38.2-4200 et seq.) of this title except with respect to the activities of its health maintenance  
31 organization.

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

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

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

ENROLLED

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