

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 291

An Act to amend and reenact § 38.2-3514.1 of the Code of Virginia, relating to health insurance; preexisting conditions provisions.

[H 2747]

Approved March 12, 1997

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3514.1 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3514.1. Preexisting conditions provisions.

A. In determining whether a preexisting conditions provision applies to an insured, all coverage shall credit the time the person was covered under previous individual or group policies providing hospital, medical and surgical or major medical coverage on an expense incurred basis if the previous coverage was continuous to a date not more than thirty days prior to the effective date of the new coverage, exclusive of any applicable waiting period under such coverage.

B. As used herein, a "preexisting conditions provision" means a policy provision that limits, denies, or excludes coverage for charges or expenses incurred during a twelve-month period following the insured's effective date of coverage, for a condition that, during a twelve-month period immediately preceding the effective date of coverage, had manifested itself in such a manner as would cause an ordinarily prudent person to seek diagnosis, care, or treatment, or for which medical advice, diagnosis, care, or treatment was recommended or received within twelve months immediately preceding the effective date of coverage or as to pregnancy existing on the effective date of coverage.

C. This section shall not apply to the following insurance policies or contracts:

1. Short-term travel;
2. Accident-only;
3. Limited or specified disease contracts;
4. Long-term care insurance;
5. Short-term nonrenewable policies or contracts of not more than six months' duration which are subject to no medical underwriting or minimal underwriting;
6. Individual open enrollment policies or contracts issued pursuant to § 38.2-4216.1 to persons who were previously covered under a group health insurance policy or contract issued by another unaffiliated insurer, health services plan or health maintenance organization, and who, due to health status, are eligible for individual coverage only under §§ 38.2-3416 and 38.2-4216.1; ~~and~~
7. Policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal government plans; *and*
8. *Disability income.*