

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 38.2-4312.3, relating to health*
3 *maintenance organizations; access to emergency services.*

4 [H 2062]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 38.2-4312.3 as follows:**8 *§ 38.2-4312.3. Patient access to emergency services.*

9 *A. A health maintenance organization shall have a system to provide to its members, on a*
10 *twenty-four-hour basis: (i) access to medical care or (ii) access by telephone to a physician or licensed*
11 *health care professional with appropriate medical training who can refer or direct a member for prompt*
12 *medical care in cases where there is an immediate, urgent need or medical emergency. Access to a*
13 *nonmedical professional who provides appropriate responses to calls from members and providers*
14 *concerning after-hours care and covered benefits is not sufficient to meet the requirements of this*
15 *section.*

16 *B. A health maintenance organization shall reimburse a hospital emergency facility and provider,*
17 *less any applicable copayments, deductibles, or coinsurance, for medical screening and stabilization*
18 *services rendered to meet the requirements of the Federal Emergency Medical Treatment and Active*
19 *Labor Act (42 U.S.C. § 1395 dd) and related to the condition for which the member presented in the*
20 *hospital emergency facility if (i) the health maintenance organization or its designee or the member's*
21 *primary care physician or its designee authorized, directed, or referred a member to use the hospital*
22 *emergency facility; or (ii) the health maintenance organization fails to have a system for provision of*
23 *twenty-four-hour access in accordance with subsection A above. For purposes of (i) above, a primary*
24 *care physician may include a physician with whom the primary care physician has made arrangements*
25 *for on-call backup coverage.*

26 *C. Each evidence of coverage provided by a health maintenance organization shall include a*
27 *description of procedures to be followed by the member for emergency services, including: (i) the*
28 *appropriate use of hospital emergency facilities; (ii) the appropriate use of any urgent care facilities*
29 *with which the health maintenance organization may contract; (iii) the potential responsibility of the*
30 *member for payment for nonemergency services rendered in a hospital emergency facility; and (iv) the*
31 *member's covered benefits for emergency services, including an explanation of the prudent layperson*
32 *standard included in the definition of emergency services in § 38.2-4300.*

ENROLLED

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