

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 38.2-3407.3 of the Code of Virginia, relating to accident and sickness*  
3 *insurance contracts; calculation of cost-sharing provisions.*

4 [S 919]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 38.2-3407.3 of the Code of Virginia is amended and reenacted as follows:**

8 § 38.2-3407.3. Calculation of cost-sharing provisions.

9 A. An insurer, health services plan or health maintenance organization that issues an accident and  
10 sickness insurance policy or contract pursuant to which the insured, subscriber or enrollee is required to  
11 pay a specified percentage of the cost of covered services, shall calculate such amount payable based  
12 upon *an amount not to exceed* the total amount actually paid or payable to the provider of such services  
13 for the services provided to the insured, subscriber or enrollee.

14 B. Any insurer, health services plan or health maintenance organization failing to administer its  
15 contracts as set forth herein shall be deemed to have committed a knowing and willful violation of this  
16 section, and shall be punished as set forth in subsection A of § 38.2-218. Each claim payment found to  
17 have been calculated in noncompliance with this section shall be deemed a separate and distinct  
18 violation, and shall further be deemed a violation subject to subdivision D 1 c of § 38.2-218, permitting  
19 the Commission to require restitution in addition to any other penalties.

ENROLLED

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