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## SENATE BILL NO. 679

Offered January 26, 1998

*A BILL to amend and reenact §§ 2.1-20.1, as it is currently effective and as it may become effective, 32.1-325 and 38.2-4319 of the Code of Virginia, and to amend the Code of Virginia by adding a section numbered 38.2-3418.3, relating to health and related insurance for state employees; State Plan for Medical Assistance Services; accident and sickness insurance; coverage for reconstructive breast surgery.*

Patrons—Reynolds, Couric, Edwards, Martin, Marye, Miller, Y.B., Quayle, Reasor, Saslaw, Stosch, Ticer, Wampler, Watkins and Woods; Delegates: Armstrong, Behm, Bennett, Byron, Cantor, Christian, Darner, Day, Deeds, Drake, Howell, Jones, J.C., Keating, Morgan, Plum, Puller, Reid, Shuler, Van Landingham and Wagner

Referred to the Committee on Finance

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

**1. That §§ 2.1-20.1, as it is currently effective and as it may become effective, 32.1-325, and 38.2-4319 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 38.2-3418.3, as follows:**

§ 2.1-20.1. Health and related insurance for state employees.

A. 1. The Governor shall establish a plan for providing health insurance coverage, including chiropractic treatment, hospitalization, medical, surgical and major medical coverage, for state employees and retired state employees with the Commonwealth paying the cost thereof to the extent of the coverage included in such plan. The Department of Personnel and Training shall administer this section. The plan chosen shall provide means whereby coverage for the families or dependents of state employees may be purchased. The Commonwealth may pay all or a portion of the cost thereof, and for such portion as the Commonwealth does not pay, the employee may purchase the coverage by paying the additional cost over the cost of coverage for an employee.

2. Such contribution shall be financed through appropriations provided by law.

B. The plan shall:

1. Include coverage for low-dose screening mammograms for determining the presence of occult breast cancer. Such coverage shall make available one screening mammogram to persons age thirty-five through thirty-nine, one such mammogram biennially to persons age forty through forty-nine, one such mammogram annually to persons age fifty and over and may be limited to a benefit of fifty dollars per mammogram subject to such dollar limits, deductibles, and coinsurance factors as are no less favorable than for physical illness generally. The term "mammogram" shall mean an X-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the X-ray tube, filter, compression device, screens, film, and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of each breast.

2. Include coverage for the treatment of breast cancer by dose-intensive chemotherapy with autologous bone marrow transplants or stem cell support when performed at a clinical program authorized to provide such therapies as a part of clinical trials sponsored by the National Cancer Institute. For persons previously covered under the plan, there shall be no denial of coverage due to the existence of a preexisting condition.

3. Include coverage for postpartum services providing inpatient care and a home visit or visits which shall be in accordance with the medical criteria, outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Such coverage shall be provided incorporating any changes in such Guidelines or Standards within six months of the publication of such Guidelines or Standards or any official amendment thereto.

4. Include an appeals process for resolution of written complaints concerning denials or partial denials of claims that shall provide reasonable procedures for resolution of such written complaints and shall be published and disseminated to all covered state employees. Such appeals process shall include a separate expedited emergency appeals procedure which shall provide resolution within one business day of receipt of a complaint concerning situations requiring immediate medical care.

5. Include coverage for early intervention services. For purposes of this section, "early intervention services" means medically necessary speech and language therapy, occupational therapy, physical therapy and assistive technology services and devices for dependents from birth to age three who are certified by

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60 the Department of Mental Health, Mental Retardation, and Substance Abuse Services as eligible for  
61 services under Part H of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).  
62 Medically necessary early intervention services for the population certified by the Department of Mental  
63 Health, Mental Retardation, and Substance Abuse Services shall mean those services designed to help an  
64 individual attain or retain the capability to function age-appropriately within his environment, and shall  
65 include services which enhance functional ability without effecting a cure.

66 For persons previously covered under the plan, there shall be no denial of coverage due to the  
67 existence of a preexisting condition. The cost of early intervention services shall not be applied to any  
68 contractual provision limiting the total amount of coverage paid by the insurer to or on behalf of the  
69 insured during the insured's lifetime.

70 6. Include coverage for prescription drugs and devices approved by the United States Food and Drug  
71 Administration for use as contraceptives.

72 7. Not deny coverage for any drug approved by the United States Food and Drug Administration for  
73 use in the treatment of cancer on the basis that the drug has not been approved by the United States  
74 Food and Drug Administration for the treatment of the specific type of cancer for which the drug has  
75 been prescribed, if the drug has been recognized as safe and effective for treatment of that specific type  
76 of cancer in any of the standard reference compendia.

77 8. Not deny coverage for any drug prescribed to treat a covered indication so long as the drug has  
78 been approved by the United States Food and Drug Administration for at least one indication and the  
79 drug is recognized for treatment of the covered indication in one of the standard reference compendia or  
80 in substantially accepted peer-reviewed medical literature.

81 9. *Include coverage for reconstructive breast surgery. For purposes of this section, "reconstructive*  
82 *breast surgery" means surgery performed as a result of a mastectomy performed for breast cancer on*  
83 *and after July 1, 1998 to reestablish symmetry between the two breasts. For persons previously covered*  
84 *under the plan, there may be no denial of coverage due to preexisting conditions.*

85 C. Claims incurred during a fiscal year but not reported during that fiscal year shall be paid from  
86 such funds as shall be appropriated by law. Appropriations, premiums and other payments shall be  
87 deposited in the employee health insurance fund, from which payments for claims, premiums, cost  
88 containment programs and administrative expenses shall be withdrawn from time to time. The funds of  
89 the health insurance fund shall be deemed separate and independent trust funds, shall be segregated from  
90 all other funds of the Commonwealth, and shall be invested and administered solely in the interests of  
91 the employees and beneficiaries thereof. Neither the General Assembly nor any public officer, employee,  
92 or agency shall use or authorize the use of such trust funds for any purpose other than as provided in  
93 law for benefits, refunds, and administrative expenses, including but not limited to legislative oversight  
94 of the health insurance fund.

95 D. For the purposes of this section:

96 "Peer-reviewed medical literature" means a scientific study published only after having been critically  
97 reviewed for scientific accuracy, validity, and reliability by unbiased independent experts in a journal  
98 that has been determined by the International Committee of Medical Journal Editors to have met the  
99 Uniform Requirements for Manuscripts submitted to biomedical journals. Peer-reviewed medical  
100 literature does not include publications or supplements to publications that are sponsored to a significant  
101 extent by a pharmaceutical manufacturing company or health carrier.

102 "Standard reference compendia" means the American Medical Association Drug Evaluations, the  
103 American Hospital Formulary Service Drug Information, or the United States Pharmacopoeia Dispensing  
104 Information.

105 "State employee" means state employee as defined in § 51.1-124.3, employee as defined in  
106 § 51.1-201, the Governor, Lieutenant Governor and Attorney General, judge as defined in § 51.1-301  
107 and judges, clerks and deputy clerks of regional juvenile and domestic relations, county juvenile and  
108 domestic relations, and district courts of the Commonwealth, interns and residents employed by the  
109 School of Medicine and Hospital of the University of Virginia, and interns, residents, and employees of  
110 the Medical College of Virginia Hospitals Authority as provided in § 23-50.16:24.

111 E. Provisions shall be made for retired employees to obtain coverage under the above plan. The  
112 Commonwealth may, but shall not be obligated to, pay all or any portion of the cost thereof.

113 F. Any self-insured group health insurance plan established by the Department of Personnel and  
114 Training which utilizes a network of preferred providers shall not exclude any physician solely on the  
115 basis of a reprimand or censure from the Board of Medicine, so long as the physician otherwise meets  
116 the plan criteria established by the Department.

117 § 2.1-20.1. (Delayed effective date) Health and related insurance for state employees.

118 A. 1. The Governor shall establish a plan for providing health insurance coverage, including  
119 chiropractic treatment, hospitalization, medical, surgical and major medical coverage, for state employees  
120 and retired state employees with the Commonwealth paying the cost thereof to the extent of the  
121 coverage included in such plan. The Department of Personnel and Training shall administer this section.

The plan chosen shall provide means whereby coverage for the families or dependents of state employees may be purchased. The Commonwealth may pay all or a portion of the cost thereof, and for such portion as the Commonwealth does not pay, the employee may purchase the coverage by paying the additional cost over the cost of coverage for an employee.

2. Such contribution shall be financed through appropriations provided by law.

B. The plan shall:

1. Include coverage for low-dose screening mammograms for determining the presence of occult breast cancer. Such coverage shall make available one screening mammogram to persons age thirty-five through thirty-nine, one such mammogram biennially to persons age forty through forty-nine, one such mammogram annually to persons age fifty and over and may be limited to a benefit of fifty dollars per mammogram subject to such dollar limits, deductibles, and coinsurance factors as are no less favorable than for physical illness generally. The term "mammogram" shall mean an X-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the X-ray tube, filter, compression device, screens, film, and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of each breast.

2. Include coverage for the treatment of breast cancer by dose-intensive chemotherapy with autologous bone marrow transplants or stem cell support when performed at a clinical program authorized to provide such therapies as a part of clinical trials sponsored by the National Cancer Institute. For persons previously covered under the plan, there shall be no denial of coverage due to the existence of a preexisting condition.

3. Include coverage for postpartum services providing inpatient care and a home visit or visits which shall be in accordance with the medical criteria, outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Such coverage shall be provided incorporating any changes in such Guidelines or Standards within six months of the publication of such Guidelines or Standards or any official amendment thereto.

4. Include an appeals process for resolution of written complaints concerning denials or partial denials of claims that shall provide reasonable procedures for resolution of such written complaints and shall be published and disseminated to all covered state employees. Such appeals process shall include a separate expedited emergency appeals procedure which shall provide resolution within one business day of receipt of a complaint concerning situations requiring immediate medical care.

5. Include coverage for early intervention services. For purposes of this section, "early intervention services" means medically necessary speech and language therapy, occupational therapy, physical therapy and assistive technology services and devices for dependents from birth to age three who are certified by the Department of Mental Health, Mental Retardation, and Substance Abuse Services as eligible for services under Part H of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.). Medically necessary early intervention services for the population certified by the Department of Mental Health, Mental Retardation, and Substance Abuse Services shall mean those services designed to help an individual attain or retain the capability to function age-appropriately within his environment, and shall include services which enhance functional ability without effecting a cure.

For persons previously covered under the plan, there shall be no denial of coverage due to the existence of a preexisting condition. The cost of early intervention services shall not be applied to any contractual provision limiting the total amount of coverage paid by the insurer to or on behalf of the insured during the insured's lifetime.

6. Include coverage for prescription drugs and devices approved by the United States Food and Drug Administration for use as contraceptives.

7. Not deny coverage for any drug approved by the United States Food and Drug Administration for use in the treatment of cancer on the basis that the drug has not been approved by the United States Food and Drug Administration for the treatment of the specific type of cancer for which the drug has been prescribed, if the drug has been recognized as safe and effective for treatment of that specific type of cancer in any of the standard reference compendia.

8. Not deny coverage for any drug prescribed to treat a covered indication so long as the drug has been approved by the United States Food and Drug Administration for at least one indication and the drug is recognized for treatment of the covered indication in one of the standard reference compendia or in substantially accepted peer-reviewed medical literature.

9. Include coverage for reconstructive breast surgery. For purposes of this section, "reconstructive breast surgery" means surgery performed as a result of a mastectomy performed for breast cancer on and after July 1, 1998 to reestablish symmetry between the two breasts. For persons previously covered under the plan, there may be no denial of coverage due to preexisting conditions.

C. Claims incurred during a fiscal year but not reported during that fiscal year shall be paid from

183 such funds as shall be appropriated by law. Appropriations, premiums and other payments shall be  
184 deposited in the employee health insurance fund, from which payments for claims, premiums, cost  
185 containment programs and administrative expenses shall be withdrawn from time to time. The funds of  
186 the health insurance fund shall be deemed separate and independent trust funds, shall be segregated from  
187 all other funds of the Commonwealth, and shall be invested and administered solely in the interests of  
188 the employees and beneficiaries thereof. Neither the General Assembly nor any public officer, employee,  
189 or agency shall use or authorize the use of such trust funds for any purpose other than as provided in  
190 law for benefits, refunds, and administrative expenses, including but not limited to legislative oversight  
191 of the health insurance fund.

192 D. For the purposes of this section:

193 "Peer-reviewed medical literature" means a scientific study published only after having been critically  
194 reviewed for scientific accuracy, validity, and reliability by unbiased independent experts in a journal  
195 that has been determined by the International Committee of Medical Journal Editors to have met the  
196 Uniform Requirements for Manuscripts submitted to biomedical journals. Peer-reviewed medical  
197 literature does not include publications or supplements to publications that are sponsored to a significant  
198 extent by a pharmaceutical manufacturing company or health carrier.

199 "Standard reference compendia" means the American Medical Association Drug Evaluations, the  
200 American Hospital Formulary Service Drug Information, or the United States Pharmacopoeia Dispensing  
201 Information.

202 "State employee" means state employee as defined in § 51.1-124.3, employee as defined in  
203 § 51.1-201, the Governor, Lieutenant Governor and Attorney General, judge as defined in § 51.1-301  
204 and judges, clerks and deputy clerks of district courts of the Commonwealth, interns and residents  
205 employed by the School of Medicine and Hospital of the University of Virginia, and interns, residents,  
206 and employees of the Medical College of Virginia Hospitals Authority as provided in § 23-50.15:25.

207 E. Provisions shall be made for retired employees to obtain coverage under the above plan. The  
208 Commonwealth may, but shall not be obligated to, pay all or any portion of the cost thereof.

209 F. Any self-insured group health insurance plan established by the Department of Personnel and  
210 Training which utilizes a network of preferred providers shall not exclude any physician solely on the  
211 basis of a reprimand or censure from the Board of Medicine, so long as the physician otherwise meets  
212 the plan criteria established by the Department.

213 § 32.1-325. Board to submit plan for medical assistance services to Secretary of Health and Human  
214 Services pursuant to federal law; administration of plan; contracts with health care providers.

215 A. The Board, subject to the approval of the Governor, is authorized to prepare, amend from time to  
216 time and submit to the Secretary of the United States Department of Health and Human Services a state  
217 plan for medical assistance services pursuant to Title XIX of the United States Social Security Act and  
218 any amendments thereto. The Board shall include in such plan:

219 1. A provision for payment of medical assistance on behalf of individuals, up to the age of  
220 twenty-one, placed in foster homes or private institutions by private, nonprofit agencies licensed as  
221 child-placing agencies by the Department of Social Services or placed through state and local subsidized  
222 adoptions to the extent permitted under federal statute;

223 2. A provision for determining eligibility for benefits for medically needy individuals which  
224 disregards from countable resources an amount not in excess of \$2,500 for the individual and an amount  
225 not in excess of \$2,500 for his spouse when such resources have been set aside to meet the burial  
226 expenses of the individual or his spouse. The amount disregarded shall be reduced by (i) the face value  
227 of life insurance on the life of an individual owned by the individual or his spouse if the cash surrender  
228 value of such policies has been excluded from countable resources and (ii) the amount of any other  
229 revocable or irrevocable trust, contract, or other arrangement specifically designated for the purpose of  
230 meeting the individual's or his spouse's burial expenses;

231 3. A requirement that, in determining eligibility, a home shall be disregarded. For those medically  
232 needy persons whose eligibility for medical assistance is required by federal law to be dependent on the  
233 budget methodology for Aid to Families with Dependent Children, a home means the house and lot used  
234 as the principal residence and all contiguous property. For all other persons, a home shall mean the  
235 house and lot used as the principal residence, as well as all contiguous property, as long as the value of  
236 the land, exclusive of the lot occupied by the house, does not exceed \$5,000. In any case in which the  
237 definition of home as provided here is more restrictive than that provided in the state plan for medical  
238 assistance in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used  
239 as the principal residence and all contiguous property essential to the operation of the home regardless  
240 of value;

241 4. A provision for payment of medical assistance on behalf of individuals up to the age of  
242 twenty-one, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of  
243 twenty-one days per admission;

244 5. A provision for deducting from an institutionalized recipient's income an amount for the

245 maintenance of the individual's spouse at home;

246 6. A provision for payment of medical assistance on behalf of pregnant women which provides for  
247 payment for inpatient postpartum treatment in accordance with the medical criteria, outlined in the most  
248 current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American  
249 Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards  
250 for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and  
251 Gynecologists. Payment shall be made for any postpartum home visit or visits for the mothers and the  
252 children which are within the time periods recommended by the attending physicians in accordance with  
253 and as indicated by such Guidelines or Standards. For the purposes of this subdivision, such Guidelines  
254 or Standards shall include any changes thereto within six months of the publication of such Guidelines  
255 or Standards or any official amendment thereto;

256 7. A provision for payment of medical assistance for high-dose chemotherapy and bone marrow  
257 transplants on behalf of individuals over the age of twenty-one who have been diagnosed with  
258 lymphoma or breast cancer and have been determined by the treating health care provider to have a  
259 performance status sufficient to proceed with such high-dose chemotherapy and bone marrow transplant.  
260 Regulations to implement this provision shall be effective in 280 days or less of the enactment of this  
261 subdivision. Appeals of these cases shall be handled in accordance with the Department's expedited  
262 appeals process; and

263 8. A provision identifying entities approved by the Board to receive applications and to determine  
264 eligibility for medical assistance.

265 9. *A provision for payment of medical assistance for women who, as a result of a mastectomy*  
266 *performed for breast cancer on and after July 1, 1998 require reconstructive breast surgery to*  
267 *reestablish symmetry between the two breasts.*

268 In preparing the plan, the Board shall work cooperatively with the State Board of Health to ensure  
269 that quality patient care is provided and that the health, safety, security, rights and welfare of patients  
270 are ensured. The Board shall also initiate such cost containment or other measures as are set forth in the  
271 appropriations act. The Board may make, adopt, promulgate and enforce such regulations as may be  
272 necessary to carry out the provisions of this chapter.

273 The Board's regulations shall incorporate sanctions and remedies for certified nursing facilities  
274 established by state law, in accordance with 42 C.F.R. § 488.400 et seq. "Enforcement of Compliance  
275 for Long-Term Care Facilities With Deficiencies."

276 In order to enable the Commonwealth to continue to receive federal grants or reimbursement for  
277 medical assistance or related services, the Board, subject to the approval of the Governor, may adopt,  
278 regardless of any other provision of this chapter, such amendments to the state plan for medical  
279 assistance services as may be necessary to conform such plan with amendments to the United States  
280 Social Security Act or other relevant federal law and their implementing regulations or constructions of  
281 these laws and regulations by courts of competent jurisdiction or the United States Secretary of Health  
282 and Human Services.

283 In the event conforming amendments to the state plan for medical assistance services are adopted, the  
284 Board shall not be required to comply with the requirements of Article 2 (§ 9-6.14:7.1 et seq.) of  
285 Chapter 1.1:1 of Title 9. However, the Board shall, pursuant to the requirements of § 9-6.14:4.1, (i)  
286 notify the Registrar of Regulations that such amendment is necessary to meet the requirements of federal  
287 law or regulations or because of the order of any state or federal court, or (ii) certify to the Governor  
288 that the regulations are necessitated by an emergency situation. Any such amendments which are in  
289 conflict with the Code of Virginia shall only remain in effect until July 1 following adjournment of the  
290 next regular session of the General Assembly unless enacted into law.

291 B. The Director of Medical Assistance Services is authorized to administer such state plan and to  
292 receive and expend federal funds therefor in accordance with applicable federal and state laws and  
293 regulations; and to enter into all contracts necessary or incidental to the performance of the Department's  
294 duties and the execution of its powers as provided by law.

295 C. The Director of Medical Assistance Services is authorized to enter into agreements and contracts  
296 with medical care facilities, physicians, dentists and other health care providers where necessary to carry  
297 out the provisions of such state plan. Any such agreement or contract shall terminate upon conviction of  
298 the provider of a felony. In the event such conviction is reversed upon appeal, the provider may apply  
299 to the Director of Medical Assistance Services for a new agreement or contract. Such provider may also  
300 apply to the Director for reconsideration of the agreement or contract termination if the conviction is not  
301 appealed, or if it is not reversed upon appeal.

302 The Director may refuse to enter into or renew an agreement or contract with any provider which  
303 has been convicted of a felony. In addition, the Director may refuse to enter into or renew an agreement  
304 or contract with a provider who is or has been a principal in a professional or other corporation when  
305 such corporation has been convicted of a felony.

306 In any case in which a Medicaid agreement or contract is denied to a provider on the basis of his  
307 interest in a convicted professional or other corporation, the Director shall, upon request, conduct a  
308 hearing in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) regarding the provider's  
309 participation in the conduct resulting in the conviction.

310 The Director's decision upon reconsideration shall be consistent with federal and state laws. The  
311 Director may consider the nature and extent of any adverse impact the agreement or contract denial or  
312 termination may have on the medical care provided to Virginia Medicaid recipients.

313 When the services provided for by such plan are services which a clinical psychologist or a clinical  
314 social worker or licensed professional counselor or clinical nurse specialist is licensed to render in  
315 Virginia, the Director shall contract with any duly licensed clinical psychologist or licensed clinical  
316 social worker or licensed professional counselor or licensed clinical nurse specialist who makes  
317 application to be a provider of such services, and thereafter shall pay for covered services as provided in  
318 the state plan. The Board shall promulgate regulations which reimburse licensed clinical psychologists,  
319 licensed clinical social workers, licensed professional counselors and licensed clinical nurse specialists at  
320 rates based upon reasonable criteria, including the professional credentials required for licensure. These  
321 regulations shall be effective within 280 days of July 1, 1996. The Board shall promulgate regulations  
322 for the reimbursement of licensed clinical nurse specialists to be effective within 280 days of the  
323 enactment of this provision.

324 D. The Board shall prepare and submit to the Secretary of the United States Department of Health  
325 and Human Services such amendments to the state plan for medical assistance as may be permitted by  
326 federal law to establish a program of family assistance whereby children over the age of eighteen years  
327 shall make reasonable contributions, as determined by regulations of the Board, toward the cost of  
328 providing medical assistance under the plan to their parents.

329 E. The Director is authorized to negotiate and enter into agreements for services rendered to eligible  
330 recipients with special needs. The Board shall promulgate regulations regarding these special needs  
331 patients, to include persons with AIDS, ventilator-dependent patients, and other recipients with special  
332 needs as defined by the Board.

333 Except as provided in subsection I of § 11-45, the provisions of the Virginia Public Procurement Act  
334 (§ 11-35 et seq.) shall not apply to the activities of the Director authorized by this subsection.  
335 Agreements made pursuant to this subsection shall comply with federal law and regulation.

336 § 38.2-3418.3. *Coverage for reconstructive breast surgery.*

337 A. *Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or*  
338 *group accident and sickness insurance policies providing hospital, medical and surgical, or major*  
339 *medical coverage on an expense-incurred basis; each corporation providing individual or group*  
340 *accident and sickness subscription contracts; and each health maintenance organization providing a*  
341 *health care plan for health care services shall provide coverage for reconstructive breast surgery under*  
342 *such policy, contract or plan delivered, issued for delivery or renewed in this Commonwealth on or*  
343 *after July 1, 1998.*

344 B. *For purposes of this section, "mastectomy" means the surgical removal of all or part of the breast*  
345 *as a result of breast cancer" and "reconstructive breast surgery" means surgery performed as a result of*  
346 *a mastectomy performed for breast cancer on and after July 1, 1998 to reestablish symmetry between*  
347 *the two breasts.*

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

350 § 38.2-4319. *Statutory construction and relationship to other laws.*

351 A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this  
352 chapter, §§ 38.2-100, 38.2-200, 38.2-210 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229,  
353 38.2-232, 38.2-305, 38.2-316, 38.2-322, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through  
354 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.) of this title, 38.2-1057, 38.2-1306.2  
355 through 38.2-1309, Article 4 (§ 38.2-1317 et seq.) of Chapter 13, §§ 38.2-1800 through 38.2-1836,  
356 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3407.2 through 38.2-3407.6, 38.2-3407.9, 38.2-3407.10,  
357 38.2-3407.11, 38.2-3411.2, 38.2-3414.1, 38.2-3418.1, 38.2-3418.1:1, 38.2-3418.1:2, 38.2-3418.2,  
358 38.2-3418.3, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, 38.2-3514.1, 38.2-3514.2,  
359 38.2-3525, 38.2-3542, Chapter 53 (§ 38.2-5300 et seq.) and Chapter 54 (§ 38.2-5400 et seq.) of this title  
360 shall be applicable to any health maintenance organization granted a license under this chapter. This  
361 chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with  
362 the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) of this title except with respect to the activities of  
363 its health maintenance organization.

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

367 C. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful

368 practice of medicine. All health care providers associated with a health maintenance organization shall  
369 be subject to all provisions of law.  
370 D. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health  
371 maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to  
372 offer coverage to or accept applications from an employee who does not reside within the health  
373 maintenance organization's service area.

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