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SENATE BILL NO. 275

Offered January 8, 2014

Prefiled January 5, 2014

A BILL to amend and reenact § 38.2-3418 of the Code of Virginia, relating to health insurance coverage for victims of sexual assault; cost-sharing requirements for HIV prevention medication.

Patron—Favola

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3418 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3418. Coverage for victims of rape or incest; cost-sharing requirements for HIV prevention medication.

Each hospital expense, medical-surgical expense, major medical expense, or hospital confinement indemnity insurance policy issued by an insurer, each individual and group subscription contract providing hospital, medical, or surgical benefits issued by a corporation, and each contract issued by a health maintenance organization ~~which~~ that provide benefits as a result of an "accident" or "accidental injury" shall be construed to include:

1. Include benefits for pregnancy following an act of rape of an insured or subscriber ~~which~~ that was reported to the police within seven days following its occurrence, to the same extent as any other covered accident. The ~~7-day~~ seven-day requirement shall be extended to 180 days in the case of an act of rape or incest of a female under 13 years of age; and

2. Prohibit the insurer, corporation, or health maintenance organization from imposing on an insured, subscriber, or enrollee who is the victim of sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 any cost-sharing requirement, including a co-payment, coinsurance, deductible, or other dollar limit provision, with respect to any medication prescribed to prevent HIV in that person. The prohibition set forth in this subdivision shall apply notwithstanding the failure of the insured, subscriber, or enrollee to report the sexual assault to the police; however, if the insured, subscriber, or enrollee fails to report the sexual assault to the police, the prohibition shall not apply unless (i) the insured, subscriber, or enrollee participates in an examination conducted under a Sexual Assault Nurse Examiner (SANE) Program or equivalent program and (ii) the results of the examination provide the basis for a determination that there is a high probability that the sexual assault has resulted in the transmission of HIV. This subdivision shall apply to any policy, contract, or plan, including any certificate or evidence of coverage issued in connection with such policy, contract, or plan, that includes coverage for medication prescribed to prevent HIV. As used in this subdivision, "HIV" means the human immunodeficiency virus or any other related virus that causes acquired immunodeficiency syndrome. This subdivision shall apply to contracts, policies, or plans delivered, issued for delivery, or renewed in the Commonwealth on and after July 1, 2014.

INTRODUCED

SB275