

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 38.2-3451 of the Code of Virginia, relating to essential health benefits;*
3 *pediatric oral health benefits.*

4
5 Approved

[S 484]

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

7 **1. That § 38.2-3451 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 38.2-3451. Essential health benefits.**

9 A. Notwithstanding any provision of § 38.2-3431 or any other section of this title to the contrary, a
10 health carrier offering a health benefit plan providing individual or small group health insurance
11 coverage shall provide that such coverage includes the essential health benefits as required by § 1302(a)
12 of the PPACA. The essential health benefits package may also include associated cost-sharing
13 requirements or limitations. No qualified health insurance plan that is sold or offered for sale through an
14 exchange established or operating in the Commonwealth shall provide coverage for abortions, regardless
15 of whether such coverage is provided through the plan or is offered as a separate optional rider thereto,
16 provided that such limitation shall not apply to an abortion performed (i) when the life of the mother is
17 endangered by a physical disorder, physical illness, or physical injury, including a life-endangering
18 physical condition caused by or arising from the pregnancy itself, or (ii) when the pregnancy is the
19 result of an alleged act of rape or incest.

20 B. The provisions of subsection A regarding the inclusion of the PPACA-required minimum essential
21 pediatric oral health benefits shall be deemed to be satisfied for health benefit plans made available in
22 the small group market or individual market in the Commonwealth outside an exchange, as defined in
23 § 38.2-3455, issued for policy or plan years beginning on or after January 1, 2015, that do not include
24 the PPACA-required minimum essential pediatric oral health benefits if the health carrier has obtained
25 reasonable assurance that such pediatric oral health benefits are provided to the purchaser of the health
26 benefit plan. The health carrier shall be deemed to have obtained reasonable assurance that such
27 pediatric oral health benefits are provided to the purchaser of the health benefit plan if:

28 1. At least one qualified dental plan, as defined in § 38.2-3455, (i) offers the minimum essential
29 pediatric oral health benefits that are required under the PPACA and (ii) is available for purchase by
30 the small group or individual purchaser; and

31 2. The health carrier prominently discloses, in a form approved by the Commission, at the time that
32 it offers the health benefit plan that the plan does not provide the PPACA-required minimum essential
33 pediatric oral health benefits.