

# VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

## CHAPTER 716

*An Act to amend and reenact § 38.2-3407.4 of the Code of Virginia, relating to health care; explanation of benefits; sensitive health care services.*

[S 766]

Approved April 6, 2020

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

**1. That § 38.2-3407.4 of the Code of Virginia is amended and reenacted as follows:**

**§ 38.2-3407.4. Explanation of benefits.**

A. Each insurer issuing an accident and sickness insurance policy, a corporation issuing subscription contracts, and each health maintenance organization shall file for approval explanation of benefits forms. These explanation of benefit forms shall be subject to the requirements of § 38.2-316 or § 38.2-4306 as applicable.

B. The explanation of benefits shall accurately and clearly set forth the benefits payable under the contract.

C. The Commission may issue regulations to establish (i) standards for the accuracy and clarity of the information presented in an explanation of benefits and (ii) *alternative methods of delivery of the explanation of benefits that permit (a) a subscriber who is legally authorized to consent to care for a covered person or recipient, (b) a covered person or recipient who is legally authorized to consent to that covered person's or recipient's own care, or (c) another party who has the exclusive legal authorization to consent to care for the covered person or recipient to receive the explanation of benefits by an alternative method, provided that each such alternative method is in compliance with the provisions of 45 C.F.R. § 164.522 regarding the right to request privacy protection for protected health information.*

D. The term "explanation of benefits" as used in this section shall include any form provided by an insurer, health services plan, or health maintenance organization which explains the amounts covered under a policy or plan or shows the amounts payable by a covered person to a health care provider.