

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 807]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §38.2-3407.4 of the Code of Virginia are amended and reenacted as follows:**8 **§ 38.2-3407.4. Explanation of benefits.**

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

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

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

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

ENROLLED

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