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HOUSE BILL NO. 1633

Offered January 13, 2025

Prefiled January 3, 2025

A BILL to amend and reenact § 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-3418.22, relating to health insurance; coverage for speech therapy as a treatment for stuttering.

Patron—Cole

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-4319 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-3418.22 as follows:

§ 38.2-3418.22. Coverage for speech therapy as a treatment for stuttering.

A. As used in this section:

"Habilitative services" means health care services that help a person keep, learn, or improve skills and functioning for daily living.

"Habilitative speech therapy" means speech therapy that helps a person keep, learn, or improve skills and functioning for daily living.

"Rehabilitative services" means health care services that help a person restore or improve skills and functioning for daily living that have been lost or impaired.

"Rehabilitative speech therapy" means speech therapy that helps a person restore or improve skills and functioning for daily living that have been lost or impaired.

B. Notwithstanding the provisions of § 38.2-3419, subdivision A 1 of § 38.2-6506, or any other provision of law, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services whose policy, contract, or plan, including any certificate or evidence of coverage issued in connection with such policy, contract, or plan, includes coverage for habilitative and rehabilitative services shall provide coverage for habilitative speech therapy as a treatment for stuttering, regardless of whether the stuttering is classified as developmental, and rehabilitative speech therapy as a treatment for stuttering.

C. The coverage required by subsection B shall not be (i) subject to any maximum annual benefit limit, including any limits on the number of visits an insured may make to a speech-language pathologist; (ii) limited based on the type of disease, injury, disorder, or other medical condition that resulted in the stuttering; or (iii) subject to utilization review or utilization management requirements, including prior authorization or a determination that the habilitative or rehabilitative speech therapy services are medically necessary.

D. The provisions of this section shall not apply to short-term travel, accident-only, limited or specified disease policies, or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans or to short-term nonrenewable policies of not more than six months' duration.

E. If the provisions of this section would result in a determination that the Commonwealth is required to make payments to defray the cost of the coverage required by this section as required under 42 U.S.C. § 1803I and 45 C.F.R. § 155.170, as amended, then the provisions of this section shall not apply until the cost defrayal requirement is no longer applicable.

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

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-316.2, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, and Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.19, 38.2-3418.21, 38.2-3418.22,

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59 38.2-3419.1, and 38.2-3430.1 through 38.2-3454, Articles 8 (§ 38.2-3461 et seq.) and 9 (§ 38.2-3465 et seq.)  
60 of Chapter 34, § 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1,  
61 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542,  
62 and 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), §  
63 38.2-3610, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et  
64 seq.), Chapter 65 (§ 38.2-6500 et seq.), and Chapter 66 (§ 38.2-6600 et seq.) shall be applicable to any health  
65 maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or  
66 health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§  
67 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

68 B. For plans administered by the Department of Medical Assistance Services that provide benefits  
69 pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except  
70 this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200,  
71 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322,  
72 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, and 38.2-600 through 38.2-629,  
73 Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§  
74 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§  
75 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§  
76 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401,  
77 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and  
78 38.2-3407.9:02, subsection E of § 38.2-3407.10, §§ 38.2-3407.10:1, 38.2-3407.11, 38.2-3407.11:3,  
79 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3418.16,  
80 38.2-3419.1, 38.2-3430.1 through 38.2-3437, and 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of  
81 § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1,  
82 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§  
83 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), Chapter 65 (§ 38.2-6500 et seq.), and Chapter 66 (§  
84 38.2-6600 et seq.) shall be applicable to any health maintenance organization granted a license under this  
85 chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in  
86 conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities  
87 of its health maintenance organization.

88 C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall  
89 not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

90 D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice  
91 of medicine. All health care providers associated with a health maintenance organization shall be subject to  
92 all provisions of law.

93 E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health  
94 maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer  
95 coverage to or accept applications from an employee who does not reside within the health maintenance  
96 organization's service area.

97 F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B  
98 shall be construed to mean and include "health maintenance organizations" unless the section cited clearly  
99 applies to health maintenance organizations without such construction.

100 **2. That the provisions of this act shall apply to any individual or group accident and sickness insurance**  
101 **policy, individual or group accident and sickness subscription contract, or health care plan for health**  
102 **care services delivered, issued for delivery, or renewed in the Commonwealth on and after January 1,**  
103 **2026.**