

SENATE BILL NO. 1290  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee on Commerce and Labor  
on \_\_\_\_\_)  
(Patron Prior to Substitute—Senator Deeds)

*A BILL to amend and reenact §§ 38.2-3408 and 38.2-4221 of the Code of Virginia, relating to health insurance; reimbursement for behavioral health services rendered by certain practitioners other than physicians.*

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

**10 1. That §§ 38.2-3408 and 38.2-4221 of the Code of Virginia are amended and reenacted as follows:**

11       **§ 38.2-3408. Policy providing for reimbursement for services that may be performed by certain**  
12       **practitioners other than physicians.**

13       A. If an accident and sickness insurance policy provides reimbursement for any service that may be  
14      legally performed by a person licensed in this Commonwealth as a chiropractor, optometrist, optician,  
15      professional counselor, psychologist, clinical social worker, podiatrist, physical therapist, chiropodist, clinical  
16      nurse specialist, audiologist, speech pathologist, certified nurse midwife or other advanced practice registered  
17      nurse, *physician assistant*, marriage and family therapist, athletic trainer, or licensed acupuncturist,  
18      reimbursement under the policy shall not be denied because the service is rendered by the licensed  
19      practitioner, provided that, for services performed by an athletic trainer, such service is performed in an office  
20      setting.

21 B. If an accident and sickness insurance policy provides reimbursement for a service that may be legally  
22 performed by a licensed pharmacist, reimbursement under the policy shall not be denied because the service  
23 is rendered by the licensed pharmacist, provided that (i) the service is performed for an insured for a  
24 condition under the terms of a collaborative agreement, as defined in § 54.1-3300, (ii) the service is for the  
25 administration of vaccines for immunization, or (iii) the service is provided in accordance with § 54.1-3303.1.

26       C. The reimbursement for any behavioral health service, as defined in § 37.2-100, provided by a licensed  
27       practitioner listed in subsection A shall be in the same amount as the reimbursement paid under the policy to  
28       a licensed physician performing such service in the area served, provided that the claim is submitted using  
29       the diagnoses and procedure codes applicable to the service, such licensed practitioner's name, the national  
30       provider identifier for the licensed practitioner providing the service, and, if required by the insurer, the

31      *name of the facility in which the service is provided.*

32      *D. No insurer shall reduce the reimbursement paid to a licensed physician in order to comply with the*  
33      *provisions of this section.*

34      *E. This section shall not apply to Medicaid, or any state fund.*

35      **§ 38.2-4221. Services of certain practitioners other than physicians to be covered.**

36      A. A nonstock corporation shall not fail or refuse, either directly or indirectly, to allow or to pay to a  
37      subscriber for all or any part of the health services rendered by any doctor of podiatry, doctor of chiropody,  
38      optometrist, optician, chiropractor, professional counselor, psychologist, physical therapist, clinical social  
39      worker, clinical nurse specialist, audiologist, speech pathologist, certified nurse midwife or other advanced  
40      practice registered nurse, *physician assistant*, marriage and family therapist, athletic trainer, or licensed  
41      acupuncturist licensed to practice in Virginia, if the services rendered (i) are services provided for by the  
42      subscription contract; (ii) are services which the doctor of podiatry, doctor of chiropody, optometrist,  
43      optician, chiropractor, professional counselor, psychologist, physical therapist, clinical social worker, clinical  
44      nurse specialist, audiologist, speech pathologist, certified nurse midwife or other advanced practice registered  
45      nurse, *physician assistant*, marriage and family therapist, athletic trainer, or licensed acupuncturist is licensed  
46      to render in this Commonwealth; and (iii) are, for any services rendered by an athletic trainer, rendered in an  
47      office setting.

48      B. If a subscription contract provides reimbursement for a service that may be legally performed by a  
49      licensed pharmacist, reimbursement under the subscription contract by the nonstock corporation shall not be  
50      denied because the service is rendered by the licensed pharmacist provided that (i) the service is performed  
51      for a subscriber for a condition under the terms of a collaborative agreement, as defined in § 54.1-3300,  
52      between a pharmacist and the physician with whom the subscriber is undergoing a course of treatment or (ii)  
53      the service is for the administration of vaccines for immunization. Notwithstanding the provisions of §  
54      38.2-4209, the nonstock corporation may require the pharmacist, any pharmacy or provider that may employ  
55      such pharmacist, or the collaborating physician to enter into a written agreement with the nonstock  
56      corporation as a condition for reimbursement for such services. In addition, reimbursement to pharmacists  
57      acting under the terms of a collaborative agreement under this subsection shall not be subject to the  
58      provisions of § 38.2-4209.1.

59      *C. The payment for any behavioral health service, as defined in § 37.2-100, provided by a licensed*

**60** *practitioner listed in subsection A shall be in the same amount as the payment paid under the subscription*

**61** *contract for a licensed physician performing such service in the area served.*

**62** *D. No nonstock corporation shall reduce the reimbursement paid to a licensed physician in order to*

**63** *comply with the provisions of this section.*