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## HOUSE BILL NO. 701

Offered January 14, 2026

Prefiled January 13, 2026

*A BILL to amend and reenact § 38.2-3559 of the Code of Virginia, relating to health insurance; notice of adverse determinations and right to request external review.*

## Patron—Maldonado

## Committee Referral Pending

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

**1. That § 38.2-3559 of the Code of Virginia is amended and reenacted as follows:**

### **§ 38.2-3559. Notice of right to external review.**

13 A health carrier shall notify the covered person in writing of an adverse determination or final adverse  
14 determination and the covered person's right to request an external review *within five business days after the*  
15 *adverse determination or final adverse determination has been made. The notice of the right to request an*  
16 *external review* Such notice shall include the following, or substantially similar, language in prominent bold  
17 *print:* "We have denied your request for the provision of or payment for a health care service or course of  
18 treatment. You may have the right to have our decision reviewed by health care professionals who have no  
19 association with us if our decision involved making a judgment as to the medical necessity, appropriateness,  
20 health care setting, level of care, or effectiveness of the health care service or treatment you requested by  
21 submitting a request for external review to the Commission." Such notice shall also include the name of,  
22 unique identifier for, and business address and telephone number of (i) if the carrier is a health maintenance  
23 organization, the medical director or associate medical director, as appropriate, who made the adverse  
24 determination or (ii) if the carrier is not a health maintenance organization, the designated employee or  
25 representative of the carrier who has responsibility for the carrier's internal appeal process and the provider  
26 who is required to make the adverse determination.

27 B. The notice of the right to request an external review of an adverse determination shall include the  
28 following statements informing the covered person that:

29       1. If the covered person's adverse determination involves (i) cancer or (ii) a medical condition where the  
30 time frame for completion of an expedited internal appeal of an adverse determination would seriously  
31 jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain  
32 maximum function, the covered person or his authorized representative may file a request for an expedited  
33 external review pursuant to § 38.2-3562;

34       2. If the adverse determination involves a denial of coverage based on a determination that the  
35 recommended or requested health care service or treatment is experimental or investigational and the covered  
36 person's treating physician certifies in writing that the recommended or requested health care service or  
37 treatment would be significantly less effective if not promptly initiated, the covered person or his authorized  
38 representative may file a request for an expedited external review pursuant to § 38.2-3563;

39 If the covered person may file a request for an expedited internal review pursuant to § 38.2-3562  
40 3. If the covered person or his authorized representative files a request for an expedited internal appeal  
41 with the health carrier, he may file at the same time a request for an expedited external review of an adverse  
42 determination pursuant to § 38.2-3562 or 38.2-3563. The independent review organization assigned to  
43 conduct the expedited external review will determine whether the covered person shall be required to  
complete the expedited internal appeal prior to conducting the expedited external review; and

44 complete the expedited internal appeal prior to conducting the expedited internal review, and  
45 4. If the covered person or his authorized representative files a standard appeal with the health carrier's  
46 internal appeal process, and the health carrier does not issue a written decision within 30 days following the  
47 date the appeal requesting a review is filed and the covered person or his authorized representative did not  
48 request or agree to a delay, the covered person or his authorized representative may file a request for external  
review and shall be considered to have exhausted the health carrier's internal appeal process.

49 C. The notice of the right to request an external review of a final adverse determination shall include the  
50 following statements informing the covered person that:

51 following statements, informing the covered person that:

52 1. If the covered person has a medical condition where the time frame for completion of a standard

53 external review would seriously jeopardize the life or health of the covered person or would jeopardize the

54 covered person's ability to regain maximum function, the covered person or his authorized representative may

file a request for an expedited external review pursuant to § 38.2-3562;

55       2. If the final adverse determination involves an admission, availability of care, continued stay, or health  
56       care service for which the covered person received emergency services, but has not been discharged from a  
57       facility, the covered person or his authorized representative may request an expedited external review  
58       pursuant to § 38.2-3562; and

59       3. If the final adverse determination involves a denial of coverage based on a determination that the  
60      recommended or requested health care service or treatment is experimental or investigational, the covered  
61      person or his authorized representative may file a request for a standard external review pursuant to  
62      § 38.2-3563; or if the covered person's treating physician certifies in writing that the recommended or  
63      requested health care service or treatment would be significantly less effective if not promptly initiated, the  
64      covered person or his authorized representative may request an expedited external review pursuant to  
65      subsection B of § 38.2-3563.

66       D. The health carrier shall include the standard and expedited external review procedures and any forms  
67      with the notice of the right to an external review.