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"Ensuring the Health of Virginians"

***** HB 2024 UPDATE: GOOD NEWS! *****

TO: ALL VIRGINIA DCS
FROM: BRUCE KEENEY, VCA LEGISLATIVE COUNSEL
DATE: FEBRUARY 6, 2009

Dear Virginia Doctors and Supporters:

As previously reported, Delegate Danny Marshall's (R-Danville) HB 2024 created new types of health insurance plans for small businesses of 2 to 50 employees (who had not offered health insurance for the past 6 months). These new "bare bones" plans are exempt from all mandated benefits required of other health insurance plans. As introduced, the bill would have allowed these plans to discriminate against non-MD providers and prevent your profession from being reimbursed for services covered by the plan (if the plan includes services you can legally render.)

This past Tuesday, by a 9-7 vote (with 6 absent) we successfully had the bill amended so it included a provision which states: *"should any plan under this section choose to include and offer health care services covered by the plan which may be legally rendered by a health care provider listed in Section 38.2-3408 of the Code of Virginia, that plan shall allow for the reimbursement of such covered services when rendered by such provider. Unless otherwise provided for in this Section, this provision shall not require any benefit be provided as a covered service."* Section 38.2-3408 is the Virginia "mandated provider" law (any willing provider law) which lists a certain non-MD licensed health care providers including your profession.)

The bill was kept in the Committee so that opponents could try to muster enough votes to delete our freedom of choice of provider amendment. Our amendment was opposed by the bill's patron, the insurance carriers, and the National Federation of Independent Businesses. Anticipating efforts to remove our amendment, we then asked members to phone their Delegates serving on the Committee.

Yesterday evening, Delegate Marshall advised me that in response to the number of calls from constituents, (and the number of calls all members of the Committee received), he would no longer oppose our amendment. Consequently, Delegate Marshall then made a motion for the Committee to report his bill to the House floor, with our amendment included. That motion then **passed the Committee by a 21-0 vote!** **The bill, WITH our amendment,** is expected to pass the full House floor early next week.

Delegate Marshall should be credited for being responsive to constituent calls. We also owe a great deal to the Delegate Terry Kilgore (R-Wise) who is chair of the Committee and Delegate Tim Hugo (R-Centreville) who chaired the subcommittee... both of whom remained strong advocates for our amendment. They were instrumental in generating enough Republican support for our amendment.

There are two similar Senate bills but my hope is that the Senate patrons will be favorably disposed to including our amendment in their measures.

While the number of those taking these bare bones policies may be small, it is critically important that patient freedom of choice of provider (any willing provider) laws stay intact on all Virginia health insurance plans.

Thanks to all who helped with emails and phone calls. Fantastic victory.