

TITLE 14. INSURANCE

VIRGINIA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM

Final Regulation

REGISTRAR'S NOTICE: The Virginia Birth-Related Neurological Injury Program is claiming an exemption from the Administrative Process Act in accordance with § 38.2-5002.1 of the Code of Virginia, which provides that the procedure for adoption of regulations by the board of directors of the program shall be consistent with the provisions of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act.

Title of Regulation: **14VAC10-10. Virginia Birth-Related Neurological Injury Compensation Program Regulations (amending 14VAC10-10-160).**

Statutory Authority: § 38.2-5002.1 of the Code of Virginia.

Effective Date: March 9, 2018.

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Summary:

The amendments (i) require each admitted claimant's parent or legal guardian to purchase private health insurance coverage for the actual medically necessary and reasonable expenses incurred as a result of the admitted claimant's birth-related neurological injury and for the admitted claimant's benefit, (ii) permit an admitted claimant's parent or legal guardian to request the program facilitator to assist in obtaining a suitable health insurance policy for the admitted claimant if none exists when the admitted claimant is admitted into the program, and (iii) provide for reimbursement of the portion of the premiums attributable to the admitted claimant's post-admission coverage and paid for by the admitted claimant's parent or legal guardian.

Part III

Other Procedures

14VAC10-10-160. Insurance.

A. Because the Virginia Birth-Related Neurological Injury Compensation Program (Program) generally is a payer of last resort, ~~if~~ each admitted claimant's parent or legal guardian must purchase private health insurance to provide coverage for the actual medically necessary and reasonable expenses as described in § 38.2-5009 A 1 of the Code of Virginia that were, or are, incurred as a result of the admitted claimant's birth-related neurological injury and for the admitted claimant's benefit. The admitted claimant's parent or legal guardian may request the [Program facilitator's] assistance [of the Program facilitator] in obtaining a suitable health insurance policy for the admitted claimant if he [or she] has no [pre-existing preexisting] coverage for the admitted claimant upon the admitted claimant's admission into the Program. The Program will reimburse, upon receipt of proof of payment, solely the portion of the premiums that is attributable to the admitted claimant's post-admission coverage and paid for by the admitted claimant's parent or legal guardian. The Program must be provided with a copy of the applicable health insurance policy, if one exists, or a complete description of applicable coverage, before benefits are paid by the

Program. It is the responsibility of the parents or guardians to seek benefits for which an admitted claimant is eligible by submitting requests to the [~~Program's Third Party Administrator~~ Program third-party administrator] or other appropriate staff person, as indicated on the Program's website. In addition, the parents or guardians of the admitted claimant must identify a primary care physician.

B. Claimants must utilize the primary insurer's in-network providers and facilities unless otherwise authorized by the Program. Utilizing non-network or nonparticipating providers or facilities may result in reduced payment, nonpayment, or nonreimbursement of incurred expenses.

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