

June 4, 2010



2010 Healthcare Legislation Highlights

CLIENT ADVISORY

The 2010 Session of the Virginia General Assembly adjourned on Sunday, March 14, 2010. During the 61-day Session, the House and Senate combined introduced 2,964 pieces of legislation, passed 1,598 bills and killed 1,093 bills. This year there were no overarching issues that took center stage. The main event was the budget. This Session also welcomed Governor Bob McDonnell and Attorney General Ken Cuccinelli. Lt. Governor Bill Bolling was re-elected for his second term. The House of Delegates welcomed 23 new faces and the Senate welcomed two.

As with every Session there was no shortage of healthcare related bills. Below are a few highlights. Unless otherwise noted all legislation will become effective on July 1, 2010.

Practitioner Self-Referral

House Bill 143-Delegate Robert Marshall

This legislation amends Code Section 54.1-2413, to clarify when a healthcare practitioner may make a referral to an entity in which he or an immediate family member is an investor. This legislation brings Virginia law in line with federal law.

Prescribing-Patient Fraud

House Bill 1166-Delegate Clarence "Bud" Phillips

Del. Phillips represents the far southwest corner of the Commonwealth, where prescription

drug abuse is rampant. In an effort to create more laws to protect his constituents HB 1166 added a new code section 54.1-3408.2, which permits any prescriber to report patient fraud to law enforcement and provides that prescriber immunity from civil action for reports made in good faith.

Determination of Brain Death

Senate Bill 13-Senator Janet Howell

Code Section 54.1-2972 currently authorizes physicians duly licensed and specialists in the field of neurology, neurosurgery or electroencephalography to pronounce brain death. A physician assistant or a registered nurse who works under the supervision of a physician referenced above may pronounce brain death. SB 13 adds critical care specialists to the healthcare providers who can pronounce brain death.

Peer Utilization Reviews

House Bill 11, Delegate Robert Marshall

This legislation requires that when a health plan or HMO makes an adverse decision it must inform the healthcare provider of rights to seek reconsideration or appeal procedures. The physician may at the time he or she is verbally notified be able to convert any reconsideration into an appeal and trigger review by appropriate peers. This legislation will take effect on October 1, 2010.



The information contained in this advisory is for general educational purposes only. It is presented with the understanding that neither the author nor Hancock, Daniel, Johnson & Nagle, PC, is offering any legal or other professional services. Since the law in many areas is complex and can change rapidly, this information may not apply to a given factual situation and can become outdated. Individuals desiring legal advice should consult legal counsel for up-to-date and fact-specific advice. Under no circumstances will the author or Hancock, Daniel, Johnson & Nagle, PC be liable for any direct, indirect, or consequential damages resulting from the use of this material.

For more information about HDJN visit the firm website at:
www.hdjn.com

Student Athlete Protection Act

Senate Bill 652, Senator Ralph Northam

Senator Northam, a pediatric neurologist, introduced this legislation to help better protect student athletes who are suspected of having a concussion during play. First, all athletes suspected of having a concussion must be removed from play and evaluated. Next, the legislation establishes guidelines outlining when and how a student can return to play once he or she is diagnosed as having a concussion, and the bill provides that written clearance from a licensed healthcare providers is required prior to returning to play.

For more information on these 2010 legislative changes or any other healthcare bills that were enacted into law, please contact W. Scott Johnson or Karah L. Gunther, at (804) 967-9604 or by e-mail at sjohnson@hdjn.com or kgunther@hdjn.com. Additional information about Hancock, Daniel, Johnson & Nagle, PC is available on the firm's website www.hdjn.com.

Richmond 4701 Cox Road Suite 400 Glen Allen, VA 23060 PO Box 72050 Richmond, VA 23255-2050 ○ (804) 967-9604	Fairfax 3975 Fair Ridge Road Suite 475 South Fairfax, VA 22033 ○ (703) 591-3440
Harrisonburg 3210 Peoples Drive Harrisonburg, VA 22801 ○ (866) 967-9604	Virginia Beach One Columbus Center 283 Constitution Drive Suite 301 Virginia Beach, VA 23462 ○ (757) 321-6555
Lewisburg, WV 210 West Randolph Street Lewisburg, WV 24901 ○ (866) 967-9604	Franklin, TN 725 Cool Springs Blvd. Suite 600 Franklin, TN 37067 ○ (866) 967-9604