



VIRGINIA BIRTH-RELATED
NEUROLOGICAL INJURY
COMPENSATION PROGRAM

August 1, 2017

Dear Marketplace Facilitator/Insurance Broker:

You are being contacted by the parent or guardian of an individual who is admitted into the Virginia Birth-Related Neurological Injury Compensation Program (the "Program"). The Governor of the Commonwealth of Virginia made amendments to the 2017-2018 Virginia Budget Act which authorizes the Program to require that the parent or guardian of every person admitted into the Program obtain private health insurance to provide coverage for the person that is admitted into the Program. (Please see the attached amendment which is provided for your reference.)

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Pursuant to this Budget amendment, the Program asks that you assist this parent or guardian with obtaining a private health insurance policy to provide coverage for the person that is admitted into the Program. In most cases, the policy should be equivalent to the gold or silver level policies that are available under the Affordable Care Act's federal marketplace; however, we ask that you work with the parent or guardian to determine appropriate coverage for the person that is admitted into the Program. Please assist the parent with obtaining a policy that provides coverage for the goods and services provided by the current healthcare providers of the person that is admitted into the Program, as well. Finally, the Program asks that the coverage begin to take effect no later than September 1, 2017.

A lifetime of help

The parent or guardian is not requesting any subsidy for the insurance premiums for the policy that is to provide coverage for the person that is admitted into the Program. Under the Budget amendment, the Program will provide reimbursement for the portion of premiums that are attributable to the coverage of the person that is admitted into the Program and that are paid for by the admitted person's parent or guardian.

Finally, please note that whether or not the person who is admitted into the Program has Medicaid coverage currently or whether that person is, or is not, eligible for Medicaid coverage in the future is irrelevant and

immaterial to the parent or guardian's request of you. In fact, the law, at 42 U.S.C. 1396(a)(25)(G), prohibits a party who may be responsible for payments for healthcare or for enrolling an individual from taking an individual's Medicaid eligibility into account. In accordance with the law, we ask that you assist the parent or guardian with obtaining a private health insurance policy for the person who is admitted into the Program without regard to any Medicaid status.

The Program requests that you assist the parent or guardian who has contacted you in accordance with this letter. If you have any questions or concerns about this matter, please contact the Program's Facilitator, Ms. Mercedes Cooks, at (804) 330-2471, extension 3110. Thank you for your kind assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "George Deebo", written in a cursive style.

George Deebo
Executive Director

Amendment 27: Virginia Birth-Related Neurological Injury Compensation Program Language

Item 4-5.01

Special Conditions and Restrictions on Expenditures

Transactions with Individuals

Language:

Page 527, after line 51, insert:

“d. VIRGINIA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION PROGRAM

1. Notwithstanding any other provision of law, the Virginia Birth-Related Neurological Injury Compensation Program is authorized to require each admitted claimant’s parent or legal guardian to purchase private health insurance (the “primary payer”) to provide coverage for the actual medically necessary and reasonable expenses as described in Virginia Code § 38.2-5009(A)(1) that were, or are, incurred as a result of the admitted claimant’s birth-related neurological injury and for the admitted claimant’s benefit. Provided, however, that the Program shall reimburse, upon receipt of proof of payment, solely the portion of the premiums that is attributable to the admitted claimant’s post-admission coverage from the effective date of this provision forward and paid for by the admitted claimant’s parent or legal guardian.