

WEST VIRGINIA CODE: §23-4-20

§23-4-20. Postmortem examinations.

The Insurance Commissioner, private carrier, or self-insured employer, whichever is applicable, may, after due notice to the claimant, whenever it considers it necessary, order an autopsy and may designate a duly licensed physician to make the postmortem examination or examinations that are necessary to determine the cause of the deceased employee's death. The physician shall file with the Insurance Commissioner, private carrier, or self-insured employer, whichever is applicable, a written report of his or her findings. The claimant has the right to select a physician of his or her own choosing and, at his or her own expense, to participate in the postmortem examination. The physician selected by the claimant has the right to concur in any report made by the physician selected by the Insurance Commissioner, private carrier, or self-insured employer, whichever is applicable, or may file a separate report. In any case, including silicosis cases, in which a claimant requests that an autopsy be performed, the autopsy shall be directed as provided in this section. In the event that a claimant refuses to consent and permit the autopsy, all rights to compensation shall be forfeited.