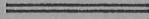


# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941



# ENROLLED

SENATE BILL No. 100

(By Mr. Wylie)

PASSED March 5 1941

In Effect 90 days from Passage

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.



101

ENROLLED

Senate Bill No. 100

(BY MR. WYLIE)

---

[Passed March 5, 1941; in effect ninety days from passage.]

---

AN ACT to amend and reenact section three, article four, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter one hundred four, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, relating to the payment by the state compensation commissioner of sums for medicine, hospital treatment, artificial limbs and other mechanical appliances.

*Be it enacted by the Legislature of West Virginia:*

That section three, article four, chapter twenty-three of the code of West Virginia be amended and reenacted to read as follows:

Section 3. The commissioner shall disburse and pay  
2 from the fund for such personal injuries to such employees  
3 as may be entitled thereto hereunder as follows:

4 (a) Such sums for medicine, medical, surgical, dental,  
5 hospital treatment, crutches, artificial limbs and such  
6 other and additional approved mechanical appliances as  
7 may be reasonably required, not however, in any case  
8 to exceed the sum of eight hundred dollars;

9 (b) Payment for such medicine, medical, surgical,  
10 dental, hospital treatment, crutches, artificial limbs and  
11 such other and additional approved mechanical appliances  
12 authorized under subdivision (a) hereof may be made  
13 to the injured employee, or to the person or persons who  
14 have furnished such service, or who have advanced pay-  
15 ment for same, as the commissioner may deem proper,  
16 but no such payments or disbursements shall be made or  
17 awarded by the commissioner unless duly verified state-  
18 ments on forms prescribed by the commissioner, shall be  
19 filed with the commissioner within three months from  
20 the time such services or appliances were authorized by  
21 the commissioner;

22 (c) No employer shall enter into any contract with  
23 any hospital, its physicians, officers, agents or employees,  
24 to render medical, dental or hospital service or to give  
25 medical or surgical attention therein to any employee for  
26 accidental injury compensable within the purview of  
27 this act, and no employer shall permit or require any em-  
28 ployee to contribute, directly or indirectly, to any fund  
29 for the payment of such medical, surgical, dental or hos-  
30 pital service within such hospital for such accidental com-  
31 pensable injury. Any employer violating this section  
32 shall be liable in damages to his or its employee, and  
33 shall not avail himself of any of the common law defenses  
34 mentioned in section eight, article two of this chapter,  
35 and any employer or hospital or agent or employee thereof  
36 violating the provisions of this section shall be guilty of  
37 a misdemeanor and upon conviction thereof shall be  
38 sentenced to pay a fine not exceeding one thousand dollars  
39 or to undergo imprisonment not exceeding one year, or  
40 both.

The Joint Committee on Enrolled Bills hereby certifies that  
the foregoing bill is correctly enrolled.

*C. H. McKown*

Chairman Senate Committee

*Leon Rice*

Chairman House Committee

Originated in the

*Senate*

Takes effect

*90 days from*

passage

*A. J. Watkins*

Clerk of the Senate

*J. Clipp*

Clerk of the House of Delegates

*Byron Randolph*

President of the Senate

*Malcolm R. Arnold*

Speaker House of Delegates

The within

*approved*

this the

*14*

day of

*March*

, 1941.

*Matthew M. Neely*

Governor.

2

Filed in the office of the Secretary of State  
of West Virginia. **MAR 17 1941**

Wm. S. O'BRIEN,  
Secretary of State