

WEST VIRGINIA LEGISLATURE

SECOND EXTRAORDINARY SESSION, 1968

ENROLLED

SENATE BILL NO. 13

(By Mr. Corn, Mr. President,
and Mr. Mowbray)

PASSED Sept 14 1968

In Effect Ninety days from Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 9-19-68

#13

ENROLLED

Senate Bill No. 13

(By MR. CARSON, MR. PRESIDENT, and MR. MORELAND)

[Passed September 14, 1968; 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 amended, in order to provide for the workmen's compensation commissioner to establish and alter a schedule of the maximum amounts to be paid out of the workmen's compensation fund for medical, surgical, dental and hospital treatment; and to provide that when an injured employee is accepted for such treatment, the person, firm or corporation rendering such treatment is prohibited from making any charge or charges therefor or with respect thereto against the injured employee or any other person, firm or corporation which would result in a total charge for

the treatment rendered in excess of the maximum amount set forth therefor in the commissioner's schedule.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 4. DISABILITY AND DEATH BENEFITS.

§23-4-3. Schedule of maximum disbursements for medical, surgical, dental and hospital treatment; charges in excess of scheduled amounts not to be made; contract by employer with hospital, physician, etc., prohibited; penalties.

1 The commissioner shall establish, and alter from time
2 to time as he may determine to be appropriate, a sched-
3 ule of the maximum reasonable amounts to be paid to
4 physicians, surgeons, hospitals or other persons, firms or
5 corporations for the rendering of treatment to injured
6 employees under this chapter. Except in case of silicosis,
7 the commissioner shall disburse and pay from the fund
8 for such personal injuries to such employees as may
9 be entitled thereto hereunder as follows:

10 (a) Such sums for medicines, medical, surgical, dental
11 and hospital treatment, crutches, artificial limbs and such
12 other and additional approved mechanical appliances and
13 devices, as ^{may}~~way~~ be reasonably required and as are, in the
14 case of medical, surgical, dental or hospital treatment
15 only, within the maximum amount provided for by sched-
16 ule established by the commissioner as aforesaid, but
17 not as to any one injured employee in excess of three
18 thousand dollars: *Provided*, That in special cases where
19 the treatment required, in the opinion of competent
20 medical authority, is such as to necessitate an expendi-
21 ture in excess of said sum of three thousand dollars, the
22 commissioner may pay out of any available funds such ad-
23 ditional sum as may be necessary, but such additional sum
24 shall not be charged to the account of the employer.

OK J. H. W.
(L. J. H.)

25 (b) Payment for such medicine, medical, surgical,
26 dental and hospital treatment, crutches, artificial limbs
27 and such other and additional approved mechanical ap-
28 pliances and devices authorized under subdivision (a)
29 hereof may be made to the injured employee, or to the
30 person, firm or corporation who or which has rendered

31 such treatment or furnished any of the items specified
32 above, or who has advanced payment for same, as the
33 commissioner may deem proper, but no such payments
34 or disbursements shall be made or awarded by him un-
35 less duly verified statements on forms prescribed by the
36 commissioner shall be filed with the commissioner within
37 six months after the cessation of such treatment or the
38 delivery of such appliances: *Provided, however,* That no
39 payment hereunder shall be made unless such verified
40 statement shows no charge for or with respect to such
41 treatment or for or with respect to any of the items
42 specified above has been or will be made against the
43 injured employee or any other person, firm or corporation,
44 and when an employee covered under the provisions of
45 this chapter is injured in the course of and as a result
46 of his employment and is accepted for medical, surgi-
47 cal, dental or hospital treatment, the person, firm or
48 corporation rendering such treatment is hereby pro-
49 hibited from making any charge or charges therefor or
50 with respect thereto against the injured employee or any
51 other person, firm or corporation which would result in

52 a total charge for the treatment rendered in excess of
53 the maximum amount set forth therefor in the com-
54 missioner's schedule established as aforesaid.

55 (c) No employer shall enter into any contracts with
56 any hospital, its physicians, officers, agents or employees
57 to render medical, dental or hospital service or to give
58 medical or surgical attention therein to any employee
59 for injury compensable within the purview of this chap-
60 ter, and no employer shall permit or require any em-
61 ployee to contribute, directly or indirectly, to any fund
62 for the payment of such medical, surgical, dental or hos-
63 pital service within such hospital for such compensable
64 injury. Any employer violating this section shall be
65 liable in damages to his or its employees and shall not
66 avail himself of any of the common-law defenses men-
67 tioned in section eight, article two of this chapter, and
68 any employer or hospital or agent or employee thereof
69 violating the provisions of this section shall be guilty of
70 a misdemeanor, and, upon conviction thereof, shall be
71 sentenced to pay a fine not exceeding one thousand dol-

72 lars or undergo imprisonment not exceeding one year,

73 or both.

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

William Tompao
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Thomas M. Nease
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Harold McCason
President of the Senate

H. John White
Speaker House of Delegates

The within approved this the 19
day of September, 1968.

Harold C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 9/17/68
Time 4:50 P.M.

SEP 19 1 00 PM '68
RECEIVED
STATE OF WISCONSIN
DEPARTMENT OF
CORRECTIONS