WEST VIRGINIA LEGISLATURE
SECOND EXTRAORDINARY SESSION, 1968

ENROLLED

SENATE BILL NO. 13

(By Mr. [Signature], and Mr. [Signature])

PASSED Sept 14, 1968

In Effect [Number] days from Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 9-19-68
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 to time as he may determine to be appropriate, a schedule of the maximum reasonable amounts to be paid to physicians, surgeons, hospitals or other persons, firms or corporations for the rendering of treatment to injured employees under this chapter. Except in case of silicosis, the commissioner shall disburse and pay from the fund for such personal injuries to such employees as may be entitled thereto hereunder as follows:
(a) Such sums for medicines, medical, surgical, dental and hospital treatment, crutches, artificial limbs and such other and additional approved mechanical appliances and devices, as may be reasonably required and as are, in the case of medical, surgical, dental or hospital treatment only, within the maximum amount provided for by schedule established by the commissioner as aforesaid, but not as to any one injured employee in excess of three thousand dollars: Provided, That in special cases where the treatment required, in the opinion of competent medical authority, is such as to necessitate an expenditure in excess of said sum of three thousand dollars, the commissioner may pay out of any available funds such additional sum as may be necessary, but such additional sum shall not be charged to the account of the employer.

(b) Payment for such medicine, medical, surgical, dental and hospital treatment, crutches, artificial limbs and such other and additional approved mechanical appliances and devices authorized under subdivision (a) hereof may be made to the injured employee, or to the person, firm or corporation who or which has rendered
such treatment or furnished any of the items specified above, or who has advanced payment for same, as the commissioner may deem proper, but no such payments or disbursements shall be made or awarded by him unless duly verified statements on forms prescribed by the commissioner shall be filed with the commissioner within six months after the cessation of such treatment or the delivery of such appliances: Provided, however, That no payment hereunder shall be made unless such verified statement shows no charge for or with respect to such treatment or for or with respect to any of the items specified above has been or will be made against the injured employee or any other person, firm or corporation, and when an employee covered under the provisions of this chapter is injured in the course of and as a result of his employment and is accepted for medical, surgical, dental or hospital treatment, the person, firm or corporation rendering such treatment is hereby 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 com-
missioner's schedule established as aforesaid.

(c) No employer shall enter into any contracts with
any hospital, its physicians, officers, agents or employees
to render medical, dental or hospital service or to give
medical or surgical attention therein to any employee
for injury compensable within the purview of this chap-
ter, and no employer shall permit or require any em-
ployee to contribute, directly or indirectly, to any fund
for the payment of such medical, surgical, dental or hos-
pital service within such hospital for such compensable
injury. Any employer violating this section shall be
liable in damages to his or its employees and shall not
avail himself of any of the common-law defenses men-
tioned in section eight, article two of this chapter, and
any employer or hospital or agent or employee thereof
violating the provisions of this section shall be guilty of
a misdemeanor, and, upon conviction thereof, shall be
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 Tomas
Chairman Senate Committee

Clayton P. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Mepham
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. Locau White
Speaker House of Delegates

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

Hulet C. Smith
Governor
PRESENTED TO THE GOVERNOR

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