

No. 1313

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OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-29-83

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 1313

(By Mr. Moore.....)

— ● —

Passed March 12,..... 1983

In Effect From..... Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1313

(By MR. MOORE)

[Passed March 12, 1983; in effect from passage.]

AN ACT to amend and reenact sections four and sixteen, article four, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to funeral expenses; commissioner's jurisdiction over case continuous; modification of finding or order; time limitation on awards; reimbursement of claimant for expenses and requirements for reimbursement of medical examination costs.

Be it enacted by the Legislature of West Virginia:

That sections four and sixteen, 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.

§23-4-4. Funeral expenses.

1 In case the personal injury causes death, reasonable funeral
2 expenses, not to exceed two thousand five hundred dollars,
3 shall be paid from the fund, payment to be made to the per-
4 sons who have furnished the services and supplies, or to the
5 persons who have advanced payment for same, as the com-

6 commissioner may deem proper, in addition to such award as may
7 be made to the employee's dependents.

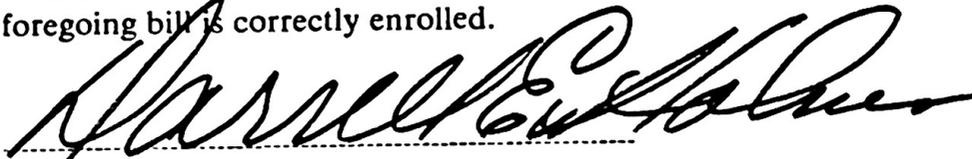
§23-4-16. Commissioner's jurisdiction over case continuous; modification of finding or order; time limitation on awards; reimbursement of claimant for expenses.

1 The power and jurisdiction of the commissioner over each
2 case shall be continuing and he may from time to time, after
3 due notice to the employer, make such modifications or changes
4 with respect to former findings or orders as may be justified:
5 *Provided*, That no further award may be made in fatal cases
6 arising after March seventh, one thousand nine hundred twenty-
7 nine, except within two years after the death of the employee,
8 or in case of nonfatal injuries, on and after March seventh,
9 one thousand nine hundred twenty-nine, except within five
10 years after payments for temporary disability shall have ceased
11 or not more than two times within five years after the com-
12 missioner shall have made the last payment in the original
13 award or any subsequent increase thereto in any permanent
14 disability case: *Provided, however*, That no such modification
15 or change may be made in any case in which no award has
16 been made, except within five years after the date of injury:
17 *Provided further*, That a further award may be made for
18 medical benefits only at any time. In any case in which an
19 injured employee shall make application for a further ad-
20 justment of his claim, if such application be in writing and
21 filed within the applicable time limit as prescribed herein, the
22 commissioner shall pass upon and determine the merits of
23 such application within thirty days after the filing thereof.

24 If such application is based on a report of any medical
25 examination made of the claimant and submitted by the claim-
26 ant to the commissioner in support of his application, and the
27 claim is opened for further consideration and additional award
28 is later made, the claimant shall be reimbursed for the ex-
29 penses of such examination. Such reimbursement shall be
30 made by the commissioner to the claimant, in addition to all
31 other benefits awarded, upon due proof of the amount thereof
32 being furnished the commissioner by the claimant, but shall
33 in no case exceed the sum of one hundred dollars: *Provided*,

34 That upon a showing by the claimant or the examining phy-
35 sician of good cause why a medical examination cost in excess
36 of one hundred dollars, the commissioner may reimburse the
37 claimant for the actual cost thereof, but not in excess of two
38 hundred fifty dollars.

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



Chairman Senate Committee



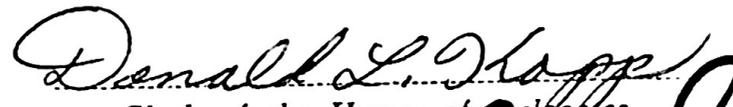
Chairman House Committee

Originating in the House.

Takes effect from passage.



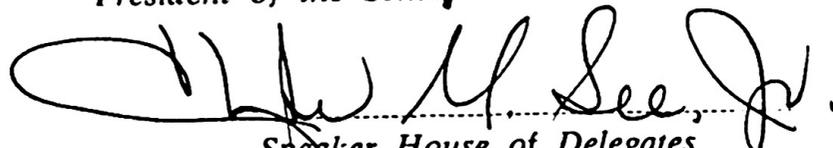
Clerk of the Senate



Clerk of the House of Delegates

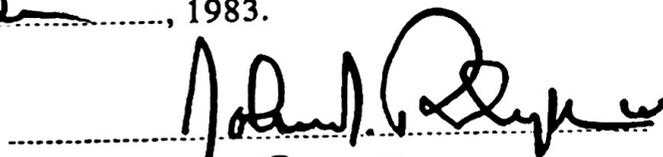


President of the Senate



Speaker House of Delegates

The within is approved this the 29
day of March, 1983.



Governor

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