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
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 expenses, not to exceed two thousand five hundred dollars, shall be paid from the fund, payment to be made to the persons who have furnished the services and supplies, or to the persons who have advanced payment for same, as the com-
missioner may deem proper, in addition to such award as may 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.

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

If such application is based on a report of any medical examination made of the claimant and submitted by the claimant to the commissioner in support of his application, and the claim is opened for further consideration and additional award is later made, the claimant shall be reimbursed for the expenses of such examination. Such reimbursement shall be made by the commissioner to the claimant, in addition to all other benefits awarded, upon due proof of the amount thereof being furnished the commissioner by the claimant, but shall in no case exceed the sum of one hundred dollars: Provided,
34 That upon a showing by the claimant or the examining physician of good cause why a medical examination cost in excess of one hundred dollars, the commissioner may reimburse the claimant for the actual cost thereof, but not in excess of two hundred fifty dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

[Signature]

Chairman House Committee

[Signature]

Originating in the House.

Takes effect from passage.

[Signature]

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

The within _______ is approved ________ this the ______ day of __________, 1983.

[Signature]

Governor