

No. 531

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

SENATE BILL NO. 531

(By Senator Jones)

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PASSED March 8, 1986

In Effect 90 days from Passage



ENROLLED
Senate Bill No. 531
(BY SENATOR JONES)

[Passed March 8, 1986; 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, relating to schedule of maximum disbursement of medical, surgical, dental and hospital treatment; legislative approval; charges in excess of scheduled amounts not to be made; contract by employer with hospital physician, etc., prohibited; penalties for violation.

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; legislative approval; charges in excess of scheduled amounts not to be made; contract by employer with hospital, physician, etc., prohibited; penalties for violation.

1 The commissioner shall establish and alter from time
2 to time as he may determine to be appropriate a schedule
3 of the maximum reasonable amounts to be paid to phy-
4 sicians, surgeons, hospitals or other persons, firms or
5 corporations for the rendering of treatment to injured

6 employees under this chapter. The commissioner also,
7 on the first day of each regular session, and also from time
8 to time, as the commissioner may consider appropriate,
9 shall submit the schedule, with any changes thereto, to
10 the Legislature.

11 The commissioner shall disburse and pay from the fund
12 for such personal injuries to such employees as may be
13 entitled thereto hereunder as follows:

14 (a) Such sums for medicines, medical, surgical, dental
15 and hospital treatment, crutches, artificial limbs and such
16 other and additional approved mechanical appliances
17 and devices, as may be reasonably required.

18 (b) Payment for such medicine, medical, surgical,
19 dental and hospital treatment, crutches, artificial limbs
20 and such other and additional approved mechanical ap-
21 pliances and devices authorized under subdivision (a)
22 hereof may be made to the injured employee, or to the
23 person, firm or corporation who or which has rendered
24 such treatment or furnished any of the items specified
25 above, or who has advanced payment for same, as the
26 commissioner may deem proper, but no such payments
27 or disbursements shall be made or awarded by him unless
28 duly verified statements on forms prescribed by the
29 commissioner shall be filed with the commissioner within
30 two years after the cessation of such treatment or the
31 delivery of such appliances: *Provided*, That no payment
32 hereunder shall be made unless such verified statement
33 shows no charge for or with respect to such treatment
34 or for or with respect to any of the items specified above
35 has been or will be made against the injured employee
36 or any other person, firm or corporation, and when an
37 employee covered under the provisions of this chapter
38 is injured in the course of and as a result of his employ-
39 ment and is accepted for medical, surgical, dental or
40 hospital treatment, the person, firm or corporation ren-
41 dering such treatment is hereby prohibited from making
42 any charge or charges therefor or with respect thereto
43 against the injured employee or any other person, firm or
44 corporation which would result in a total charge for the
45 treatment rendered in excess of the maximum amount

46 set forth therefor in the commissioner's schedule estab-
47 lished as aforesaid.

48 (c) No employer shall enter into any contracts with
49 any hospital, its physicians, officers, agents or employees
50 to render medical, dental or hospital service or to give
51 medical or surgical attention therein to any employee for
52 injury compensable within the purview of this chapter,
53 and no employer shall permit or require any employee
54 to contribute, directly or indirectly, to any fund for the
55 payment of such medical, surgical, dental or hospital
56 service within such hospital for such compensable injury.
57 Any employer violating this section shall be liable in
58 damages to his employees as provided in section eight,
59 article two of this chapter, and any employer or hospital
60 or agent or employee thereof violating the provisions of
61 this section shall be guilty of a misdemeanor, and, upon
62 conviction thereof, shall be sentenced to pay a fine not
63 exceeding one thousand dollars or undergo imprisonment
64 not exceeding one year, or both.

65 (d) When an injury has been reported to the commis-
66 sioner by the employer without protest, the commissioner
67 may pay, or order an employer who or which made the
68 election and who or which received the permission men-
69 tioned in section nine, article two of this chapter to pay,
70 within the maximum amount provided by schedule
71 established by the commissioner as aforesaid, bills for
72 medical or hospital services without requiring the injured
73 employee to file an application for benefits.

74 (e) The commissioner shall provide for the replace-
75 ment of artificial limbs, crutches, hearing aids, eyeglasses
76 and all other mechanical appliances provided in accord-
77 ance with this section which later wear out, or which
78 later need to be refitted because of the progression of the
79 injury which caused the same to be originally furnished,
80 or which are broken in the course of and as a result of
81 the employee's employment. The fund or self-insured
82 employer shall pay for these devices, when needed, not-
83 withstanding any time limits provided by law.

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

Bruce O. Williams
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Todd C. Smith
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Sam Tomlinson
President of the Senate

Joseph P. Allright
Speaker House of Delegates

The within approved this the 25th
day of March, 1986.

Arthur A. Shouse Jr.
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/86

Time 3:40 p.m.

RECEIVED

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OFFICE OF THE
SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86