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 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. The commissioner also, on the first day of each regular session, and also from time to time, as the commissioner may consider appropriate, shall submit the schedule, with any changes thereto, to the Legislature.

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.

(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 two years after the cessation of such treatment or the delivery of such appliances: Provided, 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 commissioner's schedule estab-
lished 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 chapter,
and no employer shall permit or require any employee
to contribute, directly or indirectly, to any fund for the
payment of such medical, surgical, dental or hospital
service within such hospital for such compensable injury.
Any employer violating this section shall be liable in
damages to his employees as provided 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 dollars or undergo imprisonment
not exceeding one year, or both.

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

(e) The commissioner shall provide for the replace-
ment of artificial limbs, crutches, hearing aids, eyeglasses
and all other mechanical appliances provided in accord-
ance with this section which later wear out, or which
later need to be refitted because of the progression of the
injury which caused the same to be originally furnished,
or which are broken in the course of and as a result of
the employee's employment. The fund or self-insured
employer shall pay for these devices, when needed, not-
withstanding any time limit provided by law.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce S. Williams
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

John C. Hill
Clerk of the Senate

Donald L. Hopp
Clerk of the House of Delegates

Deane Farnsworth
President of the Senate

Joseph P. Alhquist
Speaker House of Delegates

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

Auble, Speaker

Governor
PRESENTED TO THE
GOVERNOR
Date 3/26/36
Time 3:40 p.m.