WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1988

ENROLLED

COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 591

(By Senator TUCKER)

PASSED MARCH 12, 1988

In Effect from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 591
(Senator Tucker, original sponsor)
[Passed March 12, 1988; in effect from passage.]

AN ACT to amend article four, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-a, relating to workers' compensation generally, defining the misdemeanor offense of fraudulently securing or attempting to secure payment from the workers' compensation fund, and establishing a penalty therefor; defining the term "health care provider"; and barring persons convicted of such offense from providing services or receiving payment for services.

Be it enacted by the Legislature of West Virginia:

That article four, chapter twenty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section three-a, to read as follows:
ARTICLE 4. DISABILITY AND DEATH BENEFITS.

§23-4-3a. Wrongfully seeking payment for services or supplies.

(a) If any person who is a health care provider shall knowingly, and with intent to defraud, secure or attempt to secure payment from the workers' compensation fund for services or supplies when such person is not entitled to such payment or is entitled to some lesser amount of payment, such person shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than ten thousand dollars, or imprisoned in the county jail not more than twelve months, or both fined and imprisoned.

(b) For the purposes of this section, the term "person who is a health care provider" shall mean any person who has rendered, or who represents that he has rendered, any treatment to an injured employee under this chapter, or any person who has supplied, or who represents that he has supplied, any medication or any crutches, artificial limbs and other mechanical appliances and devices for such injured employee. The term shall include, but not be limited to, persons practicing medicine and surgery, podiatry, dentistry, nursing, pharmacy, optometry, osteopathic medicine and surgery, chiropractic, physical therapy, psychology, radiologic technology, occupational therapy or vocational rehabilitation, and shall also include hospitals, professional corporations, and other corporations, firms and business entities.

(c) Any person convicted under the provisions of this section shall, from and after such conviction, be barred from providing future services or supplies to injured employees under this chapter and shall cease to receive payment for such services or supplies.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce B. Selceion
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originated in the Senate.

In effect from passage.

Jeff C. Wells
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Tom Vanhook
President of the Senate

Speaker House of Delegates

The within approved this the 28th day of , 1988.

[Signature]
Governor