

No: 591

**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*)

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[Passed March 12, 1988; in effect from passage.]

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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.**

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

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

25 (c) Any person convicted under the provisions of this  
26 section shall, from and after such conviction, be barred  
27 from providing future services or supplies to injured  
28 employees under this chapter and shall cease to receive  
29 payment for such services or supplies.

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

*Bruce O. Allison*  
.....  
Chairman Senate Committee

*Bernard V. Kelly*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Todd C. Willis*  
.....  
Clerk of the Senate

*Donald J. Koop*  
.....  
Clerk of the House of Delegates

*Ron Tomkins*  
.....  
President of the Senate

*W. J. [Signature]*  
.....  
Speaker House of Delegates

The within *approved* this the *28th*  
*March*  
day of ..... 1988.

*Anda. Harvey*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/22/88

Time 3:07 p.m.

RECEIVED  
1988 MAR 31 AM 10:50  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE