1	Senate Bill No. 516
2	(By Senator Yost)
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4	[Introduced February 10, 2014; referred to the Committee on
5	Labor; and then to the Committee on the Judiciary.]
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10	A BILL to amend and reenact $\$23-4-3b$ of the Code of West Virginia,
11	1931, as amended, relating to workers' compensation; and
12	modifying the health care guideline for reasonable and
13	necessary medical treatment.
14	Be it enacted by the Legislature of West Virginia:
15	That §23-4-3b of the Code of West Virginia, 1931, as amended,
16	be amended and reenacted to read as follows:
17	ARTICLE 4. DISABILITY AND DEATH BENEFITS.
18	23-4-3b. Creation of health care advisory panel.
19	(a) The commission shall establish a health care advisory
20	panel consisting of representatives of the various branches and
21	specialties among health care providers in this state which shall
22	be in existence until termination of the commission. There shall be
23	a minimum of five members of the health care advisory panel who

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1 shall receive reasonable compensation for their services and 2 reimbursement for reasonable actual expenses. Each member of this 3 panel shall be provided appropriate professional or other liability 4 insurance, without additional premium, by the state Board of Risk 5 and Insurance Management created pursuant to article twelve, 6 chapter twenty-nine of this code. The panel shall:

7 (1) Establish guidelines for the health care <u>treatment</u> which 8 is reasonably required <u>medically necessary and reasonably required</u>, 9 <u>giving deference to the opinion of the claimant's health care</u> 10 <u>provider</u>, for the treatment of the various types of injuries and 11 occupational diseases within the meaning of section three of this 12 article;

(2) Establish protocols and procedures for the performance of
examinations or evaluations performed by physicians or medical
examiners pursuant to sections seven-a and eight of this article;
(3) Assist the commission in establishing guidelines for the
evaluation of the care provided by health care providers to injured
employees for purposes of section three-c of this article;

19 (4) Assist the commission in establishing guidelines regarding 20 the anticipated period of disability for the various types of 21 injuries pursuant to subsection (b), section seven-a of this 22 article; and

(5) Assist the commission in establishing appropriate24 professional review of requests by health care providers to exceed

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1 the guidelines for treatment of injuries and occupational diseases 2 established pursuant to subdivision (1) of this section.

3 (b) In addition to the requirements of subsection (a) of this 4 section, on or before December 31, 2003, the board of managers 5 shall promulgate a rule establishing the process for the medical 6 management of claims and awards of disability which includes, but 7 is not limited to, reasonable and standardized guidelines and 8 parameters for appropriate treatment, expected period of time to 9 reach maximum medical improvement and range of permanent partial 10 disability awards for common injuries and diseases or, in the 11 alternative, which incorporates by reference the medical and 12 disability management guidelines, plan or program being utilized by 13 the commission for the medical and disability management of claims, 14 with the requirements, standards, parameters and limitations of 15 such guidelines, plan or program having the same force and effect 16 as the rule promulgated in compliance herewith.

NOTE: The purpose of this bill is to provide quick and efficient medical treatment to the injured worker, which will allow a quick return to work for the injured worker.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

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