

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 60

BY SENATOR YOST

[Introduced January 13, 2016;

Referred to the Committee on Banking and Insurance;

then to the Committee on Labor; and then to the

Committee on the Judiciary.]

1 A BILL to amend and reenact §23-4-3b of the Code of West Virginia, 1931, as amended, relating
 2 to workers' compensation; and modifying health care guidelines for reasonable and
 3 necessary medical treatment.

Be it enacted by the Legislature of West Virginia:

1 That §23-4-3b of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 4. DISABILITY AND DEATH BENEFITS.

§23-4-3b. Creation of Health Care Advisory Panel.

1 ~~(a)~~ The commission shall establish a Health Care Advisory Panel consisting of
 2 representatives of the various branches and specialties among health care providers in this state
 3 which ~~shall be in existence~~ exists until termination of the commission. There shall be a minimum
 4 of five members of the Health Care Advisory Panel who shall receive reasonable compensation
 5 for their services and reimbursement for reasonable actual expenses. Each member of this panel
 6 shall be provided appropriate professional or other liability insurance, without additional premium,
 7 by the State Board of Risk and Insurance Management created pursuant to article twelve, chapter
 8 twenty-nine of this code. The panel shall:

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

13 (2) Establish protocols and procedures for the performance of examinations or evaluations
 14 performed by physicians or medical examiners pursuant to sections seven-a and eight of this
 15 article;

16 (3) Assist the commission in establishing guidelines for the evaluation of the care provided
 17 by health care providers to injured employees for purposes of section three-c of this article;

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

21 (5) Assist the commission in establishing appropriate professional review of requests by
22 health care providers to exceed the guidelines for treatment of injuries and occupational diseases
23 established pursuant to subdivision (1) of this section.

24 ~~(b) In addition to the requirements of subsection (a) of this section, on or before December~~
25 ~~31, 2003, the board of managers shall promulgate a rule establishing the process for the medical~~
26 ~~management of claims and awards of disability which includes, but is not limited to, reasonable~~
27 ~~and standardized guidelines and parameters for appropriate treatment, expected period of time~~
28 ~~to reach maximum medical improvement and range of permanent partial disability awards for~~
29 ~~common injuries and diseases or, in the alternative, which incorporates by reference the medical~~
30 ~~and disability management guidelines, plan or program being utilized by the commission for the~~
31 ~~medical and disability management of claims, with the requirements, standards, parameters and~~
32 ~~limitations of such guidelines, plan or program having the same force and effect as the rule~~
33 ~~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 a heading or the present law and underscoring indicates new language that would be added.