

1 **H. B. 4579**

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3 (By Delegate Diserio)

4 [Introduced February 17, 2014; referred to the  
5 Committee on the Judiciary then Finance.]  
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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  
23 be a minimum of five members of the health care advisory panel who

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

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

16 (3) Assist the commission in establishing guidelines for the  
17 evaluation of the care provided by health care providers to injured  
18 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

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

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.