

1 **Senate Bill No. 48**

2 (By Senators Yost, Facemire and Romano)

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4 [Introduced January 14, 2015; referred to the Committee on Health and Human Resources; and

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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, 1931, as amended, relating
11 to workers' compensation; and modifying the health care guidelines for reasonable and
12 necessary medical treatment.

13 *Be it enacted by the Legislature of West Virginia:*

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

16 **ARTICLE 4. DISABILITY AND DEATH BENEFITS.**

17 **§23-4-3b. Creation of Health Care Advisory Panel.**

18 (a) The commission shall establish a Health Care Advisory Panel consisting of
19 representatives of the various branches and specialties among health care providers in this state
20 which ~~shall be in existence~~ exists until termination of the commission. There shall be a minimum
21 of five members of the Health Care Advisory Panel who shall receive reasonable compensation for
22 their services and reimbursement for reasonable actual expenses. Each member of this panel shall

1 be provided appropriate professional or other liability insurance, without additional premium, by the
2 State Board of Risk and Insurance Management created pursuant to article twelve, chapter twenty-
3 nine of this code. The panel shall:

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

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

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

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

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

18 ~~(b) In addition to the requirements of subsection (a) of this section, on or before December~~
19 ~~31, 2003, the board of managers shall promulgate a rule establishing the process for the medical~~
20 ~~management of claims and awards of disability which includes, but is not limited to, reasonable and~~
21 ~~standardized guidelines and parameters for appropriate treatment, expected period of time to reach~~
22 ~~maximum medical improvement and range of permanent partial disability awards for common~~

1 ~~injuries and diseases or, in the alternative, which incorporates by reference the medical and disability~~
2 ~~management guidelines, plan or program being utilized by the commission for the medical and~~
3 ~~disability management of claims, with the requirements, standards, parameters and limitations of~~
4 ~~such guidelines, plan or program having the same force and effect as the rule promulgated in~~
5 ~~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.