

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 65.2-604 of the Code of Virginia, relating to workers' compensation;*  
3 *medical reports.*

4 [H 1420]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 65.2-604 of the Code of Virginia is amended and reenacted as follows:**

8 § 65.2-604. Furnishing copy of medical report.

9 A. Any health care provider attending an injured employee shall, upon request of the injured  
10 employee, employer, ~~or~~ insurer, *or a certified rehabilitation provider as provided in Article 2*  
11 *(§ 54.1-3510 et seq.) of Chapter 35 of Title 54.1 providing services to the injured employee,* or of any  
12 representative thereof, furnish a copy of any medical report to the injured employee, employer, ~~or~~  
13 *insurer, or a certified rehabilitation provider as provided in Article 2 (§ 54.1-3510 et seq.) of Chapter*  
14 *35 of Title 54.1 providing services to the injured employee,* or to any representative thereof, or to each  
15 of them upon request for such medical report.

16 B. Whenever any health care provider attending an injured employee refers the employee or transfers  
17 responsibility for his care to another health care provider, the referring or transferring provider, upon  
18 receipt of a request therefor, shall promptly transfer or cause to be transferred to the new or succeeding  
19 provider, or to the employee or someone acting on behalf of the employee, copies of all diagnostic test  
20 results, x-ray photographs, and other medical records pertaining to the employee's injury for which  
21 further treatment is to be sought from the succeeding provider.

22 In the event of such referral or transfer, the succeeding provider, if given any such diagnostic test  
23 results, x-ray photographs and other medical records pertaining to the employee's injury which were  
24 performed or recorded within the preceding 60 days by a referring or transferring provider, shall not  
25 repeat any such diagnostic tests or procedures previously conducted without making a good faith attempt  
26 to use them unless there is a medical necessity to do so as certified by a qualified physician on behalf  
27 of the succeeding provider. If the succeeding health care provider violates the requirements of this  
28 paragraph, such succeeding provider shall not be entitled to compensation or reimbursement from the  
29 injured employee's employer or the employer's insurer for any repeated test or procedure not so certified  
30 to be medically necessary, nor may the succeeding provider require the employee to bear any cost  
31 associated with the repeated test or procedure which would have been the responsibility of the employer  
32 or his insurer but for the provisions of this subsection.

33 C. As used in this section, the term "health care provider" shall have the same meaning as set forth  
34 in § 8.01-581.1, except that state-operated facilities shall also be considered health care providers for the  
35 purposes of this section.

ENROLLED

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