

2000 SESSION

INTRODUCED

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HOUSE BILL NO. 398

Offered January 13, 2000

A *BILL to amend and reenact § 8.01-273.1 of the Code of Virginia, relating to the Virginia Birth-Related Neurological Injury Compensation Act; referral to Workers' Compensation Commission.*

Patron—Woodrum

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-273.1 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-273.1. Motion for judgment; motion to refer; Virginia Birth-Related Neurological Injury Compensation Act.

In any civil action, where a party, *who is a participating hospital or physician as defined in § 38.2-5001*, moves to refer a cause of action to the Workers' Compensation Commission for the purposes of determining whether the cause of action satisfies the requirements of the Virginia Birth-Related Neurological Injury Compensation Act (§ 38.2-5000 et seq.), the court shall forward the motion to refer together with a copy of the motion for judgment to the Commission and stay all proceedings on the cause of action pending an award and notification by the Commission of its disposition; *provided, however, that the motion to refer the cause of action to the Workers' Compensation Commission shall be filed no later than ninety days after the date of filing a grounds of defense by the party seeking the referral.*

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