

## Department of Planning and Budget 2010 Fiscal Impact Statement

**1. Bill Number:** SB367

House of Origin      X      Introduced                  Substitute                  Engrossed  
Second House                 In Committee              Substitute                  Enrolled

**2. Patron:**        Puckett

**3. Committee:** Commerce and Labor

**4. Title:**         **Workers' compensation; medical services**

**5. Summary:** Limits the liability of an employer for certain costs of an employee's surgical procedures in connection with an award under the Virginia Workers' Compensation Act. If more than one covered surgical procedure is performed during an operative session, the employer's liability shall be based on the applicable prevailing community rate for the procedure that has the highest prevailing community rate and one-half of the prevailing community rate for other covered surgical procedures performed. If a physician serves as an assistant-at-surgery, the employer's pecuniary liability for the service is capped at 20 percent of the prevailing community rate payable to the primary surgeon. If a nonphysician serves as an assistant-at-surgery, the employer's pecuniary liability for the service is capped at 10 percent of the prevailing community rate payable to the primary surgeon. If a health care provider renders covered medical services to an injured worker in another state, the provider will be reimbursed in accordance with that state's workers' compensation fee schedule if the state has such a schedule or at the prevailing community rate if the state does not have such a schedule.

**6. Fiscal Impact Estimates:** Minimal savings

**7. Budget Amendment Necessary:** No

**8. Fiscal Implications:** No significant negative impact on the Workers' Compensation Commission. This action may reduce payments from the Uninsured Employer's Fund for medical expenses.

The Department of Human Resource Management indicates there may be minimal savings as a result for the state's workers' compensation program.

**9. Specific Agency or Political Subdivisions Affected:** Workers' Compensation Commission

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None

**Date:** 1/21/2010    ckb

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