

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 65.2-708 of the Code of Virginia, relating to workers' compensation;*  
3 *review of award on change in condition.*

4 [H 2174]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 65.2-708 of the Code of Virginia is amended and reenacted as follows:**8 **§ 65.2-708. Review of award on change in condition.**

9 A. Upon its own motion or upon the application of any party in interest, on the ground of a change  
10 in condition, the Commission may review any award *of compensation* and on such review may make an  
11 award ending, diminishing or increasing the compensation previously awarded, subject to the maximum  
12 or minimum provided in this title, and shall immediately send to the parties a copy of the award. No  
13 application filed by a party alleging a change in condition shall be docketed for hearing by the  
14 Commission unless any medical reports upon which the party is relying are submitted to the  
15 Commission. No such review shall affect such award as regards any moneys paid except pursuant to  
16 §§ 65.2-712, 65.2-1105, and 65.2-1205. No such review shall be made after ~~twenty-four~~ 24 months from  
17 the last day for which compensation was paid, pursuant to an award under this title, except: (i) ~~thirty-six~~  
18 36 months from the last day for which compensation was paid shall be allowed for the filing of claims  
19 payable under § 65.2-503 and certain claims under subsection B of § 65.2-406 or (ii) ~~twenty-four~~ 24  
20 months from the day that the claimant undergoes any surgical procedure compensable under § 65.2-603  
21 to repair or replace a prosthesis or orthosis.

22 B. In those cases where no compensation has been paid, the Commission may make an award under  
23 § 65.2-503 within ~~thirty-six~~ 36 months from the date of the accident.

24 C. All wages paid, for a period not exceeding ~~twenty-four~~ 24 consecutive months, to an employee (i)  
25 who is physically unable to return to his pre-injury work due to a compensable injury and (ii) who is  
26 provided work within his capacity at a wage equal to or greater than his pre-injury wage, shall be  
27 considered compensation *paid pursuant to an award for compensation but shall not result in a reduction*  
28 *of the maximum number of weeks of compensation benefits as described in §§ 65.2-500 and 65.2-518.*