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SENATE BILL NO. 663

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 30, 2020)

(Patron Prior to Substitute—Senator Surovell)

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 29 of Title 54.1 a section numbered 54.1-2910.5, relating to the practice of medicine and other healing arts; provision of litigation assistance .

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 29 of Title 54.1 a section numbered 54.1-2910.5 as follows:

§ 54.1-2910.5. *Litigation assistance.*

A. Providers licensed pursuant to this chapter shall:

1. Upon request of a patient, or an attorney representing a patient, with whom the provider has a previously established provider-patient relationship, provide a fee schedule for attorney interactions, within five business days of the written or electronic request. Such fee schedule shall be for the time spent communicating with an attorney representing a patient or providing testimony under oath as a witness. Further, such fee schedule shall include an hourly fee to be billed in increments of no greater than one quarter of an hour, a half-day fee, and a full-day fee.

2. Upon the request of an attorney representing a patient with whom the provider has a previously established provider-patient relationship, schedule and participate in either an in-person meeting or telephone call regarding treatment and health care services provided to the patient. Such meeting or telephone call shall be scheduled within 14 business days of the request, provided that the provider has received (i) payment for the full amount of time requested and (ii) an electronic or written certification under oath from the attorney representing the patient that the attorney is not investigating or pursuing any professional liability claims against the provider related to the patient.

3. Upon the request of an attorney representing a patient with whom the provider has a previously established provider-patient relationship, schedule and participate in a de bene esse deposition or a trial upon 60 business days' prior written or electronic notice from an attorney representing a patient, provided that payment in full is received for the time requested, within 30 business days in advance.

4. Upon the request of an attorney representing a patient with whom the provider has a previously established provider-patient relationship, provide a written or electronic estimate of the provider's charge for any future health care services the provider has recommended to the patient.

B. No provider shall be deemed in violation of subsection A in the event an emergency, illness, or act of God occurs and prevents compliance. Nothing in this section shall prohibit a provider from consulting or being represented by counsel in an in-person meeting, telephone call, deposition, or trial.

C. No provider shall refuse to enter a provider-patient relationship or to continue such relationship on the sole basis that the patient is involved in litigation against another person or may be involved in litigation against another person.