

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 65.2-714 of the Code of Virginia, relating to workers' compensation;*  
3 *Commission orders; reimbursement of excess fees paid to health care providers.*

4 [H 1741]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 65.2-714 of the Code of Virginia is amended and reenacted as follows:**

8 § 65.2-714. Fees of attorneys and physicians and hospital charges.

9 A. Fees of attorneys and physicians and charges of hospitals for services, whether employed by  
10 employer, employee or insurance carrier under this title, shall be subject to the approval and award of  
11 the Commission. In addition to the provisions of Chapter 13 (§ 65.2-1300 et seq.) of this title, the  
12 Commission shall have exclusive jurisdiction over all disputes concerning such fees or charges *and may*  
13 *order the repayment of the amount of any fee which has already been paid that it determines to be*  
14 *excessive*; appeals from any Commission determinations thereon shall be taken as provided in  
15 § 65.2-706. No physician shall be entitled to collect fees from an employer or insurance carrier until he  
16 has made the reports required by the Commission in connection with the case.

17 B. If a contested claim is held to be compensable under this title and, after a hearing on the claim on  
18 its merits or after abandonment of a defense by the employer or insurance carrier, benefits for medical  
19 services are awarded and inure to the benefit of a third party insurance carrier or health care provider,  
20 the Commission shall award to the employee's attorney a reasonable fee and other reasonable pro rata  
21 costs as are appropriate from the sum which benefits the third party insurance carrier or health care  
22 provider.

23 C. Payment of any obligation pursuant to this section to any third party insurance carrier or health  
24 care provider shall discharge the obligation in full. The Commission shall not reduce the amount of  
25 medical bills owed to the Commonwealth or its agencies without the written consent of the Office of the  
26 Attorney General.

27 D. No physician, hospital, or other health care provider as defined in § 8.01-581.1 shall balance bill  
28 an employee in connection with any medical treatment, services, appliances or supplies furnished to the  
29 employee in connection with an injury for which an award of compensation is made pursuant to  
30 § 65.2-704. For the purpose of this subsection, a health care provider "balances bills" whenever (i) an  
31 employer or the employer's insurance carrier declines to pay all of the health care provider's charge or  
32 fee and (ii) the health care provider seeks payment of the balance from the employee.

ENROLLED

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