

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 *fees of attorneys.*

4
5 Approved

[S 868]

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; appeals
13 from any Commission determinations thereon shall be taken as provided in § 65.2-706. No physician
14 shall be entitled to collect fees from an employer or insurance carrier until he has made the reports
15 required by the Commission in connection with the case.

16 B. If a contested claim is held to be compensable under this title and, after a hearing on the claim on
17 its merits or after abandonment of a defense by the employer or insurance carrier, benefits for medical
18 services are awarded and inure to the benefit of a third party insurance carrier or health care provider,
19 the Commission shall award to the employee's attorney a reasonable fee and other reasonable pro rata
20 costs as are appropriate from the sum which benefits the third party insurance carrier or health care
21 provider. *Such fees shall be based on the amount paid by the employer or insurance carrier to the third*
22 *party insurance carrier or health care provider for medical, surgical and hospital service rendered to*
23 *the employee through the date on which the contested claim is heard before the Deputy Commissioner.*
24 *For the purpose of this subsection, a "contested claim" is an initial contested claim for benefits and*
25 *claims for medical, surgical and hospital services that are subsequently contested and litigated or after*
26 *abandonment of a defense by the employer or insurance carrier.*

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

31 D. No physician, hospital, or other health care provider as defined in § 8.01-581.1 shall balance bill
32 an employee in connection with any medical treatment, services, appliances or supplies furnished to the
33 employee in connection with an injury for which an award of compensation is made pursuant to
34 § 65.2-704. For the purpose of this subsection, a health care provider "~~balances~~ balance bills" whenever
35 (i) an employer or the employer's insurance carrier declines to pay all of the health care provider's
36 charge or fee and (ii) the health care provider seeks payment of the balance from the employee.

ENROLLED

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