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**HOUSE BILL NO. 1348**

Offered January 22, 1996

*A BILL to amend and reenact § 65.2-607 of the Code of Virginia, relating to workers' compensation; medical examinations; second opinions.*

Patrons—Spruill, Christian, Cooper, Crittenden, Darner, Grayson, Hull, Jones, D.C., Jones, J.C., McEachin, Melvin, Moore, Robinson and Stump; Senators: Lambert, Lucas, Maxwell and Miller, Y.B.

Referred to Committee on Labor and Commerce

**Be it enacted by the General Assembly of Virginia:****1. That § 65.2-607 of the Code of Virginia is amended and reenacted as follows:**

§ 65.2-607. Medical examination; physician-patient privilege inapplicable; autopsy.

A. After an injury and so long as he claims compensation, the employee, if so requested by his employer or ordered by the Commission, shall submit himself to examination, at reasonable times and places, by a duly qualified physician or surgeon designated and paid by the employer or the Commission. However, no employer may obtain more than one examination per medical specialty without prior authorization from the Commission, based upon a showing of good cause or necessity. The employee shall have the right to (i) have present at such examination any duly qualified physician or surgeon provided and paid by him and (ii) at the employer's expense, obtain a second opinion concerning any determination or opinion rendered at the employer's behest pursuant to this section. No fact communicated to, or otherwise learned by, any physician or surgeon who may have attended or examined the employee, or who may have been present at any examination, shall be privileged, either in hearings provided for by this title, or any action at law brought to recover damages against any employer subject to the provisions of this title.

B. If the employee refuses to submit himself to or in any way obstructs such examination requested by and provided for by the employer, his right to compensation and his right to take or prosecute any proceedings under this title shall be suspended until such refusal or objection ceases and no compensation shall at any time be payable for the period of suspension unless in the opinion of the Commission the circumstances justify the refusal or obstruction.

C. The employer or the Commission may in any case of death require an autopsy at the expense of the party requesting the same. Such autopsy shall be performed upon order of the Commission, and anyone obstructing or interfering with such autopsy shall be punished for contempt.

INTRODUCED

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