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**HOUSE BILL NO. 1376**

Offered January 22, 1996

*A BILL to amend and reenact § 65.2-708 of the Code of Virginia, relating to workers' compensation; change in condition.*

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Patrons—Stump, Kilgore, Phillips and Spruill

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Referred to Committee on Labor and Commerce**Be it enacted by the General Assembly of Virginia:****1. That § 65.2-708 of the Code of Virginia is amended and reenacted as follows:**

§ 65.2-708. Review of award on change in condition.

A. Upon its own motion or upon the application of any party in interest, on the ground of a change in condition, the Commission may review any award and on such review may make an award ending, diminishing or increasing the compensation previously awarded, subject to the maximum or minimum provided in this title, and shall immediately send to the parties a copy of the award. *Upon an application by an employer on the ground of a change in condition pursuant to this subsection, unless the employee requests a continuance, compensation previously awarded to an employee shall continue until such time as the Commission may make an award ending or diminishing such compensation, unless the application alleges the employee has returned to work, in which case compensation shall be awarded to the date of the return to work.* No application filed by a party alleging a change in condition shall be docketed for hearing by the Commission unless any medical reports upon which the party is relying are submitted to the Commission. No such review shall affect such award as regards any moneys paid except pursuant to §§ 65.2-712, 65.2-1105, and 65.2-1205. No such review shall be made after twenty-four months from the last day for which compensation was paid, pursuant to an award under this title, except: (i) thirty-six months from the last day for which compensation was paid shall be allowed for the filing of claims payable under § 65.2-503 and certain claims under § 65.2-406 B or (ii) twenty-four months from the day that the claimant undergoes any surgical procedure compensable under § 65.2-603 to repair or replace a prosthesis or orthosis.

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

C. All wages paid, for a period not exceeding twenty-four consecutive months, to an employee (i) who is physically unable to return to his pre-injury work due to a compensable injury and (ii) who is provided work within his capacity at a wage equal to or greater than his pre-injury wage, shall be considered compensation.

INTRODUCED

HB1376