

1997 SESSION

INTRODUCED

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HOUSE BILL NO. 1726

Offered January 8, 1997

A BILL to amend the Code of Virginia by adding a section numbered 38.2-5011.1, relating to appeals under the Birth-Related Neurological Injury Compensation Act.

Patron—Cranwell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 38.2-5011.1 as follows:

§ 38.2-5011.1. Appeals of Program's denial of certain payments.

A. Any claimant whose request for payment of necessary and reasonable expenses awarded pursuant to subdivision 1 of § 38.2-5009 is denied by the Program shall have the right to bring a civil action against the Program if the requested payment is less than \$2,500. Such actions may be instituted in the circuit court of the city or county where the claimant resides or where the infant was born.

B. Any action pursuant to this section shall be filed within thirty days from the date of the Program's denial of the requested payment or within thirty days after receipt of such denial by registered or certified mail, whichever occurs last.

C. In any such action, the court shall receive the records of the Program with respect to its denial of the requested payment, shall hear additional evidence at the request of a party and, basing its decision on the preponderance of the evidence, shall determine whether the requested payment is for necessary and reasonable expenses compensable pursuant to subdivision 1 of § 38.2-5009 and shall grant such relief as the court determines appropriate.

D. The judgment of the court shall be subject to appeal or to review by higher courts in the manner provided by the Rules of the Supreme Court of Virginia.

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