

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 431

An Act to amend and reenact § 65.2-604 of the Code of Virginia, relating to workers' compensation; requirement to provide copies of medical reports.

[H 878]

Approved April 12, 1998

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-604 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-604. Furnishing copy of medical report.

A. Any physician attending an injured employee shall, upon request of the injured employee, employer, or insurer, *or of any representative thereof*, furnish a copy of any medical report to the injured employee, employer, or insurer, *or of any representative thereof* or to each of them upon request for such medical report.

B. Whenever any health care provider attending an injured employee refers the employee or transfers responsibility for his care to another health care provider, the referring or transferring provider, upon receipt of a request therefor, shall promptly transfer or cause to be transferred to the new or succeeding provider, or to the employee or someone acting on behalf of the employee, copies of all diagnostic test results, x-ray photographs, and other medical records pertaining to the employee's injury for which further treatment is to be sought from the succeeding provider.

In the event of such referral or transfer, the succeeding provider, if given any such diagnostic test results, x-ray photographs and other medical records pertaining to the employee's injury which were performed or recorded within the preceding 60 days by a referring or transferring provider, shall not repeat any such diagnostic tests or procedures previously conducted without making a good faith attempt to use them unless there is a medical necessity to do so as certified by a qualified physician on behalf of the succeeding provider. If the succeeding health care provider violates the requirements of this paragraph, such succeeding provider shall not be entitled to compensation or reimbursement from the injured employee's employer or the employer's insurer for any repeated test or procedure not so certified to be medically necessary, nor may the succeeding provider require the employee to bear any cost associated with the repeated test or procedure which would have been the responsibility of the employer or his insurer but for the provisions of this subsection.