

VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

CHAPTER 822

An Act to amend and reenact § 38.2-5003 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 8.01-273.1, relating to the Virginia Birth-Related Neurological Injury Compensation Act; referral to Workers' Compensation Commission.

[H 1555]

Approved March 29, 1999

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-5003 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 8.01-273.1 as follows:

§ 8.01-273.1. Motion for judgment; motion to refer; Virginia Birth-Related Neurological Injury Compensation Act.

In any civil action, where a party moves to refer a cause of action to the Workers' Compensation Commission for the purposes of determining whether the cause of action satisfies the requirements of the Virginia Birth-Related Neurological Injury Compensation Act (§ 38.2-5000 et seq.), the court shall forward the motion to refer together with a copy of the motion for judgment to the Commission and stay all proceedings on the cause of action pending an award and notification by the Commission of its disposition.

§ 38.2-5003. Virginia Workers' Compensation Commission authorized to hear and determine claims.

The Virginia Workers' Compensation Commission is authorized to hear and pass upon all claims filed pursuant to this chapter. The Commission may exercise the power and authority granted to it in Chapter 2 of Title 65.2 as necessary to carry out the purposes of this chapter.

When a circuit court refers a civil action to the Commission pursuant to § 8.01-273.1 for the purposes of determining whether the cause of action satisfies the requirements of this chapter, the Commission shall set the matter for hearing pursuant to § 38.2-5006. The Commission shall communicate its decision to the referring circuit court in due course.