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## SENATE BILL NO. 1446

Offered January 19, 2021

A *BILL to amend the Code of Virginia by adding a section numbered 8.01-401.4, relating to the practice of medicine and other healing arts; provision of litigation assistance.*

Patron—Surovell

Referred to Committee on Education and Health

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 8.01-401.4 as follows:****§ 8.01-401.4. Practitioners of medicine and other health arts; litigation assistance.**

A. Providers of medicine and other healing arts licensed pursuant to Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 shall:

1. Upon request of a patient, or an attorney representing a patient, with whom the provider has a previously established provider-patient relationship, provide a fee schedule for attorney interactions, within five business days of the written or electronic request. Such fee schedule shall be for the time spent communicating with an attorney representing a patient or providing testimony under oath as a witness. Further, such fee schedule shall include an hourly fee to be billed in increments of no greater than one quarter of an hour, a half-day fee, and a full-day fee.

2. Upon the request of an attorney representing a patient with whom the provider has a previously established provider-patient relationship, or a life care planner retained by the attorney or patient, schedule and participate in either an in-person meeting or telephone call regarding treatment, prognosis, likely future services, and prior health care services provided to the patient. Such request shall be accompanied by an authorization signed by the patient or patient's personal representative as required by § 32.1-127.1:03. Such meeting or telephone call shall be scheduled within 14 business days of the request, provided that the provider has received (i) payment for the full amount of time requested and (ii) with regard to any meeting with an attorney, an electronic or written certification under oath from the attorney representing the patient that the attorney is not investigating or pursuing any professional liability claims against the provider related to the patient. For the purposes of this subdivision, "life care planner" means an individual engaged in the preparation of a plan regarding future health care and other services for a patient necessitated by the matter being investigated by the attorney.

3. Upon the request of an attorney representing a patient with whom the provider has a previously established provider-patient relationship, schedule and participate in a de bene esse deposition or a trial upon 60 business days' prior written or electronic notice from an attorney representing the patient, provided that payment in full is received for the time requested, within 30 business days in advance.

4. Upon the request of an attorney representing a patient with whom the provider has a previously established provider-patient relationship, provide a written or electronic estimate of the provider's charge for any future health care services the provider has recommended to the patient.

B. No provider shall be deemed in violation of subsection A in the event an emergency, illness, or act of God occurs and prevents compliance. Nothing in this section shall prohibit a provider from consulting or being represented by counsel in an in-person meeting, telephone call, deposition, or trial.

INTRODUCED

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