

SENATE BILL NO. 1037

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Commerce and Energy

on _____)

(Patron Prior to Substitute--Senator McPike)

A BILL to amend the Code of Virginia by adding a section numbered 65.2-601.3, relating to workers' compensation; notice of right to dispute claim.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 65.2-601.3 as follows:

§ 65.2-601.3. Notice of right to dispute claim.

A. If an employer subject to this title, or an employer's insurer, denies a covered employee's request for workers' compensation benefits, the employer or the insurer, as applicable, shall include in its letter denying benefits a notice that the employee has a right to dispute the claim denial through the Virginia Workers' Compensation Commission. Such notice shall include the following text:

EMPLOYEE RIGHT TO DISPUTE DENIAL OF WORKERS' COMPENSATION BENEFITS.
IF YOU DISAGREE WITH THIS DENIAL, YOU HAVE THE RIGHT TO DISPUTE THE
DECISION BY FILING A REQUEST FOR A HEARING WITH THE VIRGINIA WORKERS'
COMPENSATION COMMISSION. IT IS YOUR RESPONSIBILITY TO DISPUTE THE DECISION
AS SOON AS PRACTICABLE. THE WORKERS' COMPENSATION COMMISSION IS A STATE
AGENCY RESPONSIBLE FOR MAKING FINAL DECISIONS ON DISPUTED WORKERS'
COMPENSATION CLAIMS. HOWEVER, SUCH CLAIM MAY BE LOST IF YOU DO NOT FILE IT
WITHIN THE TIME LIMIT PROVIDED BY LAW, WHICH IS TYPICALLY TWO YEARS AFTER
THE INJURY.

Such notice shall also include the address, telephone number, and website through which the employee may contact the Virginia Workers' Compensation Commission.

