

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #5

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FILED

2004 JAN 30 P 2:10

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Workers' Compensation Commission TITLE NUMBER: 85

CITE AUTHORITY: W. Va. Code §§ 23-1-1a(j); 23-4-7a

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W. Va. Code § 23-1-1a(j)(3)

AMENDMENT TO AN EXISTING RULE: YES X NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Administration of the Workers' Compensation Fund

REVISED FISCAL NOTE FOR PROPOSED LEGISLATIVE RULES

Rule Title: Title 85 Series 1: Administration of the Workers' Compensation Fund

Type of Rule: Legislative Exempt Interpretive X Procedural

Agency: Workers' Compensation Commission

Address: 4700 MacCorkle Ave. S.E.

Charleston, WV 25304

1. Effect of Proposed Rule

	Annual		Fiscal Year		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$0	Unknown	Unknown	Unknown	Unknown
PERSONAL SERVICES	0	0	0		

This rule establishes and defines the policy and procedure for the administration of the Workers' Compensation Fund, including specific criteria and requirements related to suspension of claims benefits and required mileage reimbursement payments in certain defined situations.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

It is expected that this rule will contribute toward more efficient and thorough claims management by the Workers' Compensation Commission, and will result in savings in claims and claim related costs.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

It is expected that, with lower claims costs, employers will incur lower premium rates. Also, it is expected that the rules guidelines will contribute toward better and more effective treatment of injured workers.

C. Economic Impact on Citizens/Public at Large.

This proposed rule would not have a direct economic impact on the citizens of West Virginia.

Date: 01-30-04

Signature of Agency Head or Authorized Representative

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #1

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NOTICE OF A PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Workers' Compensation Commission TITLE NUMBER: 85

RULE TYPE: Exempt Legislative CITE AUTHORITY: Code § 23-1-1a(j); 24-4-7a

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Administration of the Workers' Compensation Fund

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

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**WEST VIRGINIA
SECRETARY OF STATE**

JOE MANCHIN, III

ADMINISTRATIVE LAW DIVISION

Form #2

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2003 NOV -7 P 3:53

WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Workers' Compensation Commission TITLE NUMBER: 85

RULE TYPE: Exempt Legislative CITE AUTHORITY: W. Va. Code 23-1-1a(j); 23-4-7a

AMENDMENT TO AN EXISTING RULE: YES X NO



4700 MacCorkle Avenue, S. E.
Charleston, West Virginia 25304
Phone: (304) 926-1710

Gregory A. Burton, Executive Director

November 6, 2003

The Honorable Joe Manchin III
Secretary of State
State Capitol Complex
Building 1, Room W-157
Charleston, West Virginia 25305

Re: Proposed Rule
Title 85, Series 1
"Administration of the Workers'
Compensation Fund"

Dear Secretary Manchin:

Please consider this letter to be my written approval for the filing of the above-noted proposed Rule.

Pursuant to Senate Bill 2013, Second Extraordinary Session, 2003, the Workers' Compensation Commission is established as a government entity separate from the Bureau of Employment Programs. Pursuant to that same bill, the

FISCAL NOTE FOR PROPOSED LEGISLATIVE RULES

Rule Title: Title 85 Series 1: Administration of the Workers' Compensation Fund

Type of Rule: Legislative Exempt Interpretive X Procedural

Agency: Workers' Compensation Commission

Address: 4700 MacCorkle Ave. S.E.

Charleston, WV 25304

1. Effect of Proposed Rule

	Annual		Fiscal Year		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$0	Unknown	Unknown		

3. Objectives of this rule:

This rule establishes and defines the policy and procedure for the administration of the Workers' Compensation Fund, including specific criteria and requirements related to suspension of claims benefits and required mileage reimbursement payments in certain defined situations.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

It is expected that this rule will contribute toward more efficient and thorough claims management by the Workers' Compensation Commission, and will result in savings in claims and claim related costs.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

It is expected that, with lower claims costs, employers will incur lower premium rates. Also, it is expected that the rules guidelines will contribute toward better and more effective treatment of injured workers.

C. Economic Impact on Citizens/Public at Large.

This proposed rule would not have a direct economic impact on the citizens of West Virginia.

Date: November 6, 2003

**SUMMARY OF PROPOSED RULE
STATEMENT OF CIRCUMSTANCES**

**TITLE 85, SERIES 1
WORKERS' COMPENSATION COMMISSION
ADMINISTRATION OF THE WORKERS' COMPENSATION FUND**

Effective July 1, 2003, Senate Bill 2013 significantly changed the provisions of the Workers' Compensation Act. Certain stylistic changes reflecting new terminology consistent with statutory changes, i.e. commission, executive director, are reflected in this rule change. Other more significant changes center on the provisions of §11 and §15 of 85 C.S.R. 1.

Section 11 of this rule was changed to comply with the new law changes effective July 1, 2003. W. Va. Code §23-4-7a requires the Commission to develop a rule to allow for the suspension of benefits if the claimant refuses, without good cause, to undergo examinations or needed treatment. The rule defines "good cause."

Section 15 of this rule was changed in large part to eliminate mileage reimbursement for claimants' medical treatment, except where the travel results from required Commission or employer examinations. This provision is calculated to save a number of millions of dollars in reimbursement expenses.

FILED

JUN 30 P 2:10

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TITLE 85
EXEMPT LEGISLATIVE RULE
WORKERS' COMPENSATION COMMISSIONER

SERIES 1
ADMINISTRATION OF THE WORKERS' COMPENSATION FUND

'85-1-1. General.

1.1. Scope. -- ~~These Legislative Rules provide~~ This exempt legislative rule provides for the general administration of the West Virginia Workers' Compensation Fund.

1.2. Authority. -- W. Va. Code ~~23-1-13, §§23-1-13, 23-2-9 and 23-3-1.~~

(e) "Subscriber" shall mean an employer for whom Workers' Compensation coverage has been effected.

(f) "Within fifteen (15) days of the mailing of such copy" shall mean within a fifteen (15) day period beginning with the day immediately following the date of such copy. Should the fifteenth (15th) day be a Saturday, Sunday or legal holiday (State or Federal), the fifteen (15) day period shall expire on the next business day immediately following such Saturday, Sunday or legal holiday.

(g) "Medical Vendor" ~~shall mean a person or persons within the medical field as defined in the W. Va. Code '30-1 et seq.~~ refers to health care vendors including providers of rehabilitation services within the meaning of W. Va. Code Section 23-4-9 as amended, and shall include any hospital licensed under ~~W. Va. Code '16-5B et seq.~~ the West Virginia Code.

'85-1-2. Reserved.

'85-1-3. Reserved.

'85-1-4. Reserved.

'85-1-5. Reserved.

A P P E A R A N C E S:

MEMBERS OF THE BOARD OF MANAGERS:

STEVE WHITE, Chairman
CRAIG SLAUGHTER
RICHARD HUMPHREYS
GENE F. BAILEY
JOHN JOHNSON
EVERETTE SULLIVAN
BOB PHALEN
DOUG MERRITT (via telephone)

1 very much.

2 (Whereupon, the public

3 hearing concluded at 11:20

4 a.m.)

