



# Workers Compensation Claim State Environmental Guide - Virginia

VIRGINIA – [HTTP://WVC.STATE.VA.US/CONTENT/INJURED-WORKERS](http://wvc.state.va.us/content/injured-workers)

## Indemnity issues

Temporary Total Benefits	66 2/3 percent of AWW. As of July 1, 2021, the minimum comp rate is \$298.75 and the maximum comp rate is \$1,195.00. As of July 1, 2022, the minimum compensation rate is \$322.50 and the maximum compensation rate is \$1,290.00. The waiting period is 7 days. If disability is more than 21 days, you go back and pick up the initial 7 days; temporary disability benefits are limited pursuant to Virginia Code § 65.2-518 to 500 weeks except in cases of permanent and total incapacity. Cost of living (COLA) rate effective 10/1/21 is 1.4%. As of 10/1/22 the COLA rate will be 7.4%.
Temporary Partial Benefits	No minimum on temporary partial benefits. The same waiting period applies, and the same limits apply to temporary partial and to temporary total.
Permanent Partial Benefits	Permanent partial is dependent upon the compensation rate; therefore, the payment is dependent upon the minimum and maximum rates indicated above; there is no waiting period for permanent partial and no retroactive period. Permanent partial is limited by the 500 weeks outlined above and subject to the exception as outlined above. There is a schedule for injuries to extremities and for the loss of hearing of an ear, loss of vision of an eye or severely marked disfigurement of the body.
Permanent Total Benefits	The minimum and maximum are the same for the permanent total. There is no waiting period. The benefits go on for the life of the individual. Compensation is awarded for permanent and total incapacity pursuant to Virginia Code § 65.2-500 for the loss of both hands, both arms, both feet, both legs, both eyes, and any two thereof in the same accident. Compensation is also awarded for total paralysis or injury to the brain that is so severe as to render the employee permanently unemployable.
Fatality Benefits	The minimum and maximum compensation rates remain the same. A waiting period is not applicable. Funeral expenses are limited to \$10,000. Transportation costs are limited to \$1,000. Those persons conclusively presumed to be wholly dependent upon the deceased employee are entitled to 500 weeks of the compensation rate. Dependents are defined as spouses not voluntarily deserted or abandoned at the time of the accident, children under the age of eighteen and a child over such age if physically or mentally incapacitated and parents in destitute circumstances.
Vocational Rehabilitation	Vocational rehabilitation is permitted in Virginia. There are two purposes underlying vocational rehabilitation training: to restore the employee to gainful employment and to relieve the employee's burden of future compensation. The carrier is responsible for reasonable expenses incurred by the claimant in his vocational placement efforts.



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### Indemnity issues

Settlement Allowed	Settlements are allowed but all are subject to review by the Commission.
Cap on benefits, exceptions	Other than the 500-week limit and the maximum compensation rate there are no other caps on benefits.

### Medical issues

Initial Choice of Provider	The physician is chosen by the injured employee from a panel of at least three physicians, not in the same practice or facility, selected by the employer. Virginia Code § 65.2-603 does not require the employer to pay for medical expenses incurred without permission of the employer absent an emergency or other good cause. If no panel is given, then the claimant is free to accept treatment from any physician of his/her choosing.
Change of Provider	The Commission will order a change in treating physicians if it finds the treatment provided by the authorized treating physician inappropriate or inadequate. The burden is on the party seeking a change in physicians to establish that there is something inappropriate or inadequate about the medical treatment. When the employer terminates medical benefits without approval of the Commission or if the provider refuses to continue treatment and a new panel is not offered, the claimant is entitled to choose his own physician.
Medical Fee Schedule	Yes, as of January 1, 2018
Managed Care	No.
Utilization Review	No.
Treatment Guidelines	No.
Generic Drug Substitution	The state mandates generic substitution.
Medical Mileage Reimbursement Rate	\$.585 per mile effective 4/1/22
Network Information	First Health (primary) and CorVel (secondary)
Ability to Terminate Medical Treatment	The employer has the ability to dispute the medical treatment that is not reasonable, necessary or causally related to the accident. The employer can file an application to terminate benefits based on any of the above referenced grounds if there is an award in place.
Settlement Allowed	Settlement of medical benefits and/or indemnity is allowed. Mediation sponsored by the VWC is offered by the VWC's Alt4ernative Dispute Resolution Department and will be conducted by a certified Deputy Commissioner of retired Commissioner. Lump sum settlements must be approved by the Commission.
Cap on benefits, exceptions	No cap on medical benefits.

**Other Issues**

WC Hearing Docket Speed	Hearings are normally docketed for 30 to 90 days out.
Staff Counsel	Schoenberg and Associates 9954 Mayland Drive, Suite 5100 Richmond, VA 232363 804-934-4200 14200 Park Meadow Drive, Suite 310 North Chantilly VA 20151-2219 (571-287- 6555)
Hearings require attorney or claim handler participation	Hearings must be attended by counsel. Witness testimony and exhibits may be submitted.
Occupational Diseases	Occupational diseases are compensable and become the liability of the employer in whose employment the claimant was last injuriously exposed to the hazards of the disease. Cumulative trauma and repetitive motion injuries are not compensable under the Virginia Workers' Compensation Act. The term "occupational disease" under the Act means a disease arising out of and in the course of employment, but not an ordinary disease of life to which the general public is exposed outside of the employment (except an infectious or contagious disease contracted in the course of one's employment in a hospital, laboratory or nursing home). Carpal tunnel syndrome and hearing loss are considered ordinary diseases of life, and may (or may not) be deemed compensable.
Second Injury Fund availability	Yes.
Other Offset Opportunities	No.
EDI	Claims EDI Release 3: FROI & SROI (10/1/2008)
In-State Adjusting Required	N/A
License or Certification Required	N/A