

Virginia Legislative Update: Jan. 25th, 2024

The Virginia General Assembly convened just a few weeks ago, initiating a 60-day work period poised to shape a new two-year state budget and introduce numerous legislative updates. We strive to keep abreast of these changes every year to foresee any upcoming shifts in laws pertaining to personal injury.

In this legislative update, we highlight three specific bills with profound implications for the personal injury arena.

Bills we are watching:

1. **SB 256: Holding Insurers Accountable**

SB 256, which aims to hold insurance companies accountable for acting in bad faith in the settlement of auto insurance claims with their own insured.

It provides a legal framework for insured individuals to seek double damages, including attorney fees and expenses, when their own insurance company unjustly denies or delays payment within the policy's coverage limits.

2. **SB 138: Wrongful Death**

SB 138 focuses on resolving venue issues in personal injury and wrongful death cases where an administrator is appointed on behalf of the deceased person's estate.

By establishing clear guidelines for permissible venue, the bill aims to ensure that legal actions are brought in locations that align with where the deceased person would have chosen if they were alive.

3. **House Bill 315: Stricter Requirements of Medicaid**

Our main focus this year is a bill called HB 315. This bill aims to address a common issue, which is the difficulty in obtaining information from the Department of Medical Assistance Services (DMAS) about lien amounts.

According to the bill, DMAS will be required to provide an itemized statement of healthcare expenses within 30 days of receiving a request from the injured person. If DMAS fails to respond, the injured party can submit a payment offer for the lien, and DMAS has 30 days to accept or reject it. If there's no response, the amount is considered agreed upon.