

REVISED FINAL VERSION

Order of the Commission Clarifying Commission Rules 2.2(B)(3) and 4.2:

Effective July 1, 2013, it is hereby Ordered:

1. Without leave of the Commission, the parties shall not file with the Commission or designate as evidence any of the following medical records, unless the specific record is accompanied by a written statement explaining its relevance and materiality, which statement may be provided at the hearing:
 - a. laboratory reports
 - b. routine nursing notes
 - c. x-rays or other diagnostic imagery films (pulmonary cases excepted)
 - d. physical therapy records
 - e. routine hospital patient observation notes
 - f. health provider bills and/or statements of account(unless the claim is one brought by a health provider or seeks payment of specific medical expenses)
2. All medical records designations filed in accordance with Commission Rule 2.2 B (3) shall be presented with a chronological table of contents which shall include only the author, title and date of each record designated. Designations shall not include any other narrative description of the contents or intended purpose of the records designated.

Example: 1. Dr. Tony Jones, Office Note, June 1, 2013
2. Sentara Hospital, Admission Summary, June 3, 2013
3. Dr. Tony Jones, Operative Note, June 5, 2013
4. Sentara Hospital, Discharge Summary, June 8, 2013
5. Dr. Tony Jones, Office Note, June 12, 2013

NOT: 1. Dr. Tony Jones, Notes, June 1 through June 12, 2013.
2. Sentara Hospital, Summaries, June 3 through June 8, 2013.

3. All medical records designated shall be attached to the designation. Each medical record attached shall be preceded by a separator page, not tabbed, which shall be numbered to identify the following document in accordance with the table of contents.
4. Designations shall include only medical records and shall not include any other documentary evidence.
5. Parties are encouraged to pre-file their medical records designations in advance of the hearing. If pre-filed, a hard copy of the designation may be required by the Deputy Commissioner to be presented at the hearing.
6. Except for good cause shown, failure to comply with this Order may result in the exclusion of any medical record not properly designated, and/or the assessment of costs and/or sanctions against the party, and/or costs against the attorney of the party designating the record.
7. The requirements of this Order may be waived for pro se litigants in the interests of justice.