

COURT OF APPEALS OF VIRGINIA

Present: Judges Baker, Willis and Overton
Argued at Norfolk, Virginia

PAMELA FLOOD

v. Record No. 0588-95-1
EASTERN STATE HOSPITAL

MEMORANDUM OPINION* BY
JUDGE JERE M. H. WILLIS, JR.
JUNE 11, 1996

FROM THE VIRGINIA WORKERS' COMPENSATION COMMISSION

Gregory E. Camden (Rutter & Montagna, on
brief), for appellant.

A. Ann Berkebile, Assistant Attorney General
(James S. Gilmore, III, Attorney General;
Catherine C. Hammond, Deputy Attorney
General; Gregory E. Lucyk, Senior Assistant
Attorney General, on brief), for appellee.

Citing the requirement of Code § 65.2-406(A)(5) that "a
diagnosis of [a compensable] disease [must] first [be]
communicated to the employee," and holding that the opinion of
Mr. Huppert, a licensed clinical social worker, was insufficient
to satisfy this requirement, the commission ruled that the
claimant produced no proof of "a proper diagnosis and
communication" and thus failed to prove a compensable
occupational disease. The commission erred in thus holding.

A clinical social worker
is professionally qualified at the autonomous
practice level to provide direct diagnostic,
preventive and treatment services where
functioning is threatened or affected by
social and psychological stress or health
impairment.

*Pursuant to Code § 17-116.010 this opinion is not
designated for publication.

Code § 54.1-3700. Thus, Mr. Huppert was not disqualified as a matter of law from providing an acceptable diagnosis and communication of acute anxiety reaction.

The decision of the commission is reversed and this case is remanded to the commission with direction to receive and consider the opinion of Mr. Huppert, according to accepted standards of factual review, and to ascertain the sufficiency of that opinion to satisfy the requirements of Code § 65.2-406.

Reversed and remanded.