



RESEARCH MEMORANDUM

Information accurate as of June 2026

Executive Summary

Virginia workers' compensation law generally limits compensable injuries to those arising from a specific workplace accident or qualifying as an occupational disease, and repetitive motion or cumulative trauma injuries have historically faced significant barriers to compensability. While neighboring states, including Maryland, North Carolina, Tennessee, Kentucky, and West Virginia, provide pathways for compensating repetitive motion injuries through statutory or occupational disease frameworks, Virginia remains the only state that does not expressly recognize such injuries under its workers' compensation laws. Recent legislative proposals have sought to expand coverage. Available fiscal analyses suggest that doing so could increase claim volume and workers' compensation costs. However, estimates vary considerably, and additional actuarial analysis would likely be necessary to determine the full fiscal impact.

Research Methods

Quorum and statutory review of existing state workers' compensation laws.

Findings and Analysis

Virginia workers' compensation law generally limits compensable injuries to those that meet the statutory definition of an "injury by accident" or qualify as an occupational disease under Virginia statute¹. Workers traditionally must demonstrate that the injury occurred during a specific, identifiable incident, at a reasonably definite time, and produced an obvious mechanical or structural change to their body. Virginia explicitly distinguishes between three similar injury categories:

- **Injury by Accident:** An injury occurring in a single piece of work or if it was bounded by rigid temporal precision²
- **Occupational Disease:** A disease arising out of and in the course of employment³
- **Ordinary Disease of Life:** A condition to which the general public is exposed outside of employment⁴

Although Virginia employers have the second-lowest workers' compensation expenses on average in the United States, repetitive motion, cumulative trauma, and gradual-onset injuries (e.g., carpal tunnel syndrome and tendonitis) generally do not fit neatly within the injury-by-accident or occupational disease categories and have historically faced significant barriers to compensability.⁵ Virginia is the only U.S. state that does not include repetitive motion injuries in its workers' compensation laws.⁶ The table below lists recently proposed bills in Virginia that would incorporate repetitive motion injuries into the state's workers' compensation laws.



State	Bill	Status
Virginia	Senate Bill 1112 (2025)	Left Unfinished
Virginia	House Bill 2481 (2025)	Left Unfinished
Virginia	Senate Bill 803 (2024)	Died in Committee
Virginia	Senate Bill 788 (2024)	Died in Committee
Virginia	Senate Bill 520 (2024)	Left Unfinished
Virginia	House Bill 1763 (2023)	Left Unfinished
Virginia	House Bill 1002 (2022)	Left Unfinished
Virginia	House Bill 2228 (2021)	Left Unfinished
Virginia	Senate Bill 531 (2020)	Died in Committee

Source: Virginia Workers' Compensation Repetitive Motion Bills (2020-2026)⁷

Virginia's treatment of cumulative trauma injuries differs from several neighboring states that expressly recognize such injuries through statute or occupational disease provisions. The table below compares Virginia with its neighboring states, Maryland, North Carolina, Tennessee, Kentucky, and West Virginia.

State	Covers Repetitive Motion/Cumulative Trauma?	Legal Framework	Standard of Proof	Recent Legislative Changes
Maryland	Yes	Treated as an occupational disease, repetitive stress injuries such as carpal tunnel syndrome may be compensable if linked to employment. ⁸	The employee must show that the disease is due to hazards of employment and that the disease was incurred because of employment.	2023: HB 902/SB 839 amended the workers' compensation law to provide that a hernia caused by repetitive trauma may be considered an occupational disease and compensable. ⁹
North Carolina	Yes	Repetitive motion injuries are generally compensable as occupational diseases. ¹⁰	Claimants must establish that the condition is characteristic of and peculiar to the employment and that the employment placed the worker at an increased risk compared to the general public.	No major recent statutory changes identified.
Tennessee	Yes	Statute includes "cumulative trauma conditions, including	Employment must contribute more than 50 percent of the	Major reforms occurred through the 2013-2014 workers'



		hearing loss, carpal tunnel syndrome, or any other repetitive motion conditions." ¹¹	cause of the injury by a preponderance of the evidence, supported to a reasonable degree of medical certainty. ¹²	compensation overhaul; no recent changes specific to repetitive motion were identified.
Kentucky	Yes	Statute defines injury to include a "series of traumatic events, including cumulative trauma." ¹³	Claimants must establish work-related causation through objective medical findings and medical evidence.	No major recent substantive changes identified. Existing law contains specific filing and notice provisions for cumulative trauma claims. ¹⁴
West Virginia	Yes	Workers' compensation law recognizes both repetitive motion injuries and occupational diseases. ¹⁵	Generally, requires proof by a preponderance of the evidence that the condition resulted from employment.	No recent major statutory changes identified.

Several publicly available analyses have attempted to estimate the potential fiscal effects of expanding Virginia workers' compensation coverage to include repetitive motion or cumulative trauma injuries. However, estimates vary by methodology, assumptions, and scope. The Department of Human Resource Management's fiscal review for House Bill 2481 (2025) examined approximately 14 years of Office of Workers' Compensation claims data and found that roughly 70 percent of repetitive motion claims had been denied.^{16,17} The review reported that accepted repetitive motion claims had an average cost of approximately \$61,502.¹⁸ Applying this average cost to the previously denied claims produced an estimated cost exposure of approximately \$62.4 million over the 14-year review period, or about \$4.45 million annually.¹⁹ However, this estimate was based on state employee claims reviewed by DHRM and assumes that denied claims would have generated costs comparable to accepted claims if they had been deemed compensable. As a result, this estimate illustrates potential costs under an expanded coverage framework rather than predicting actual future costs.

The 2020 *WorkComp Strategies Report*, prepared in connection with House Bill 617, estimated the potential statewide effects of expanding workers' compensation coverage to include repetitive stress injuries.^{20,21} The report projected that repetitive stress injuries would account for approximately 2.1 percent of all workers' compensation claims in Virginia and would result in roughly 1,200 additional claims annually.²² It further estimated an average repetitive stress injury claim cost of approximately \$17,000, compared with an average workers' compensation claim cost of approximately \$15,050 across all claims in Virginia at the time of the study.²³ Using these assumptions, the report estimated that recognizing repetitive stress injuries as compensable could increase annual costs to Virginia's workers' compensation system by approximately \$20 million.²⁴ As with other fiscal analyses, these figures represent estimates derived from a specific methodology and set of assumptions rather than actual observed costs. A comprehensive actuarial review using current Virginia workers' compensation data would likely be necessary to develop a more precise estimate of the potential fiscal effects of expanded coverage.



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- ¹ Virginia General Assembly. *Code of Virginia: Title 65.2. Workers' Compensation*. Accessed June 1, 2026. <https://law.lis.virginia.gov/vacodefull/title65.2/>.
- ² *City of Charlottesville v. Sclafani*, No. 200791, 300 Va. 212 (Va. Aug. 26, 2021). <https://law.justia.com/cases/virginia/supreme-court/2021/200791.html>.
- ³ Virginia General Assembly. *Code of Virginia*, § 65.2-400. Accessed June 1, 2026. <https://law.lis.virginia.gov/vacodefull/title65.2/>.
- ⁴ Virginia General Assembly. *Code of Virginia*, § 65.2-401. Accessed June 1, 2026. <https://law.lis.virginia.gov/vacodefull/title65.2/>.
- ⁵ Virginia Workers' Compensation Commission. "Workers' Compensation Insurance Rates Decline for 6th Year." *Virginia Workers' Compensation Commission News Release*, January 4, 2022. Accessed June 1, 2026. <https://vacomplaw.com/workers-compensation-insurance-rates-decline-for-6th-year/>.
- ⁶ Whitney Evans. "Virginia Is the Only State That Doesn't Cover Work-Related Injuries That Occur Over Time." *VPM News*, April 13, 2022. Accessed June 1, 2026. <https://www.vpm.org/news/2022-04-13/virginia-is-the-only-state-that-doesnt-cover-work-related-injuries-that-occur>.
- ⁷ Quorum, *Virginia Workers' Compensation Repetitive Motion Bills (2020-2026)*, Accessed June 1, 2026. <https://www.quorum.us/spreadsheet/external/ejlyzvgbBbMdoKnjBEvv/>.
- ⁸ Maryland General Assembly. *Maryland Labor and Employment Code*, § 9-502. Accessed June 1, 2026. <https://law.justia.com/codes/maryland/labor-and-employment/title-9/subtitle-5/section-9-502/>.
- ⁹ Maryland General Assembly. *SB 839 (2023): Workers' Compensation—Occupational Disease Presumption and Hernia Claims*. Accessed June 1, 2026. <https://www.quorum.us/bill/3206285/?searchTerm=sb%20839>.
- ¹⁰ North Carolina Industrial Commission. *North Carolina General Statutes § 97-52: Conditions Characteristic of and Peculiar to Particular Trade, Occupation or Employment*. Accessed June 1, 2026. <https://www.ic.nc.gov/ncic/pages/statute/97-52.htm>.
- ¹¹ Tennessee General Assembly. *Tennessee Code Annotated*, § 50-6-102. Accessed June 1, 2026. <https://law.justia.com/codes/tennessee/title-50/chapter-6/part-1/section-50-6-102/>.
- ¹² Ibid.
- ¹³ Kentucky General Assembly. *Kentucky Revised Statutes*, § 342.0011. Accessed June 1, 2026. <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=56312>.
- ¹⁴ Kentucky General Assembly. *Kentucky Revised Statutes*, § 342.185. Accessed June 1, 2026. <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=47617>.
- ¹⁵ West Virginia State Bar Young Lawyers Section. *Practice Handbook: Workers' Compensation*. Accessed June 1, 2026. <https://wvyounglawyers.com/practice-handbook/workers-compensation/>.
- ¹⁶ Virginia General Assembly. *HB 2481 (2025): Workers' Compensation; Injuries Caused by Repetitive and Sustained Physical Stressors*. Accessed June 1, 2026. <https://www.quorum.us/bill/3454859/>.
- ¹⁷ Virginia Department of Planning and Budget. *2025 General Assembly Session State Fiscal Impact Statement: HB 2481, Workers' Compensation; Injuries Caused by Repetitive and Sustained Physical Stressors*. Published January 28, 2025. <https://lis.blob.core.windows.net/files/1032127.PDF>.
- ¹⁸ Ibid.
- ¹⁹ Ibid.
- ²⁰ Virginia General Assembly. *HB 617 (2020): Workers' Compensation; Injuries Caused by Repetitive Motion*. Accessed June 1, 2026. <https://www.quorum.us/bill/2654799/>.
- ²¹ Virginia Workers' Compensation Commission. *Expanding Coverage under the Virginia Workers' Compensation Act for Injuries Caused by Repetitive Motion* (Report Document No. 71). Richmond, VA: Virginia Workers' Compensation Commission, November 24, 2020. <https://rga.lis.virginia.gov/Published/2021/RD71>.
- ²² Ibid.
- ²³ Ibid.
- ²⁴ Ibid.