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## DIGEST

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HB 618 Original

2024 Regular Session

Beaullieu

**Abstract:** Provides relative to accident reporting and access to medical records and information related to claims.

Present law provides that it is the policy for the efficient administration of the workers' compensation system that there be reasonable access to medical information for all parties to coordinate and manage the care for the injured worker and to facilitate his return to work.

Proposed law retains present law.

Proposed law provides that in accordance with the provisions of proposed law and present law, an employee shall, within 10 business days after receiving a request from an employer or the employer's representative, sign and return an authorization to release medical records on a form established by the office of workers' compensation administration.

Proposed law provides that the failure to comply shall result in the suspension of all benefits due until:

- (a) The employee complies with the request to sign and return the release; or
- (b) The workers' compensation judge, following an expedited hearing, renders a decision determining there is good cause for the employee's refusal to comply.

Proposed law provides that in the absence of good cause for the employee's refusal, following the expedited hearing, the workers' compensation judge shall order the employee to sign and return the release, and shall further require the employee to reimburse all costs and attorneys fees incurred by or on behalf of the employer as a result of the refusal.

Present law provides that in any claim for compensation, a healthcare provider who has at any time treated the employee related to the compensation claim shall release any requested medical information and records relative to the employee's injury to specified persons provided for in present law.

Proposed law retains present law.

Present law allows a healthcare provider to verbally discuss medical information regarding the injured employee with another healthcare provider, a case manager, or a vocational rehabilitation

counsel without the need for a subpoena or other discovery devices.

Proposed law retains present law.

Present law requires any medical information released in writing to be sent to the employee at no cost to him. Present law further requires that any medical information or records that are released to an employer or insurer or any other party be held confidential and holds them liable for any damages up to \$1,000 sustained to the employee as a result of a breach of this confidence.

Proposed law retains present law.

Present law requires the notice of injury to be given to an employer within 30 days after the date of the injury or death. Present law allows the notice to be given or made by any person claiming to be entitled to compensation or by anyone on his behalf.

Proposed law instead requires that the notice be given as soon as possible but no later than 30 days and requires the person or anyone on his behalf claiming to be entitled to compensation to give notice to the employer. Proposed law otherwise retains present law.

Proposed law provides that failure to provide notice as required by this Section shall:

- (1) Result in a rebuttable presumption that the injury or death did not arise out of or occur in the course of the employment; and
- (2) Bar any claim by the employee for penalties or attorney fees based on the denial of benefits pending a judicial determination of compensability.

Proposed law provides that the provisions of present law and proposed law are not required when the employer has demonstrated actual knowledge of the injury or death by paying medical, indemnity, or death benefits to or on behalf of the employee or his dependents.

Present law requires an employer, within ten days of actual knowledge of the injury or death, to send a report to the insurer, if any, on a form prescribed by the assistant secretary.

Proposed law instead requires an employer, within ten days of receiving the notice required by present law (R.S. 23:1301), the injury or death pursuant to present law (R.S. 23:1301(B)), the employer shall send a report to the insurer or administrator of the employer's workers' compensation claims.

Proposed law provides that in the absence of good cause, failure to submit the report required shall subject the employer to a penalty of \$500 per report, which he must pay to the office of workers' compensation.

Present law requires all information and records collected pursuant to provisions of present law (R.S. 23:1306(A)) be considered confidential and privileged and not be subjected to public records and

subpoena. Present law also allows the usage of such information or records for the compilation of statistical data, as long as the identity of the individual or employer is not disclosed.

Proposed law retains present law.

Proposed law provides the submission of the information required by proposed law (R.S. 23:1306(E)) shall not be deemed an admission of the occurrence or compensability of the alleged injury or death.

(Amends R.S. 23:1127, 1301, and 1306)