

2015 Regular Session

HOUSE BILL NO. 205

BY REPRESENTATIVE GAINES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WORKERS COMPENSATION: Provides with respect to the medical treatment schedule

1 AN ACT

2 To amend and reenact R.S. 23:1203.1(J)(1) and (K), relative to the workers' compensation
3 medical treatment schedule; to provide with respect to the procedure and time
4 periods for determining disputes; to provide for appeals to the medical director; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1203.1(J)(1) and (K) are hereby amended and reenacted to read
8 as follows:

9 §1203.1. Definitions; medical treatment schedule; medical advisory council;
10 appellate procedure

11 * * *

12 J.(1)(a) After a medical provider has submitted to the payor the request for
13 authorization ~~and~~ along with the information required by the Louisiana
14 Administrative Code, Title 40, Chapter 27, the payor shall notify the medical
15 provider of ~~their~~ his action ~~on the request~~ within five business days of receipt of the
16 request. If any dispute arises after January 1, 2011, as to whether the recommended
17 care, services, or treatment is in accordance with the medical treatment schedule, or
18 whether a variance from the medical treatment schedule is reasonably required as
19 contemplated in Subsection I of this Section, any aggrieved party shall file, ~~within~~
20 ~~fifteen calendar days~~, an appeal within thirty calendar days of the written notice of

1 denial with the office of workers' compensation administration medical director or
2 associate medical director on a form promulgated by the director.

3 (b) In the event that written notice of denial is not provided within five
4 business days of receipt of the request, the aggrieved party may file an appeal. The
5 thirty-day time period for filing the appeal shall not commence until written notice
6 of denial has been received.

7 (c) The medical director or associate medical director shall render a decision
8 as soon as is practicable, but in no event, not more than thirty calendar days from the
9 date of filing.

10 * * *

11 K.(1) After the issuance of the decision by the medical director or associate
12 medical director of the office, any party who disagrees with the decision, ~~may then~~
13 may appeal by filing a "Disputed Claim for Compensation", ~~which is~~ LWC Form
14 1008, within thirty days of the issuance of the decision. The decision may be
15 overturned when it is shown, by clear and convincing evidence, the decision of the
16 medical director or associate medical director was not in accordance with the
17 provisions of this Section.

18 (2)(a) The party who files the appeal shall notify the director that he has
19 done so within ten days. Within fifteen days of receiving the notice, the director
20 shall compile and forward the entire record that the medical director used to issue his
21 decision to the district hearing office. Any party to the appeal may request the
22 record.

23 (b) New evidence may be introduced, however, if it has not been previously
24 considered by the medical director, the workers' compensation judge shall remand
25 the case to the medical director for consideration of the additional evidence.
26 Following the remand, the medical director shall render a new decision within fifteen
27 days. If the medical director takes no action within fifteen days of the remand order,
28 the workers' compensation judge shall decide the appeal based upon the entire
29 record.

