

Regular Session, 2012

HOUSE BILL NO. 298

BY REPRESENTATIVE BROADWATER

WORKERS COMPENSATION: Provides with respect to provider communication in workers' compensation claims

1 AN ACT

2 To amend and reenact R.S. 23:1127(C)(3), relative to written communication in workers'
3 compensation claims; to provide for transmission by electronic mail in certain
4 circumstances; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:1127(C)(3) is hereby amended and reenacted to read as follows:

7 §1127. Release of medical records and information

8 * * *

9 C.

10 * * *

11 (3) In addition to any other duty or responsibility provided by law, a case
12 manager or vocational rehabilitation counselor who is a party to a verbal
13 communication with the health care provider regarding an employee, as authorized
14 by Paragraph (1) of this Subsection, shall, within five working days of the
15 communication, mail a written summary of the communication and any work
16 restrictions or modifications required for the employee's reasonable return to
17 employment to the employee, his representative, and the health care provider. The
18 summary shall be mailed by certified mail, return receipt requested, to the employee
19 or his representative, or by electronic mail if the employee or his representative
20 consents in writing to such method of transmission. It shall include a narration of

1 any diagnosis or opinion given or discussed, any conclusions reached concerning the
 2 vocational rehabilitation plan, any return to work opportunities discussed consistent
 3 with the vocational rehabilitation plan, and the medical evaluation of the health care
 4 provider.

5 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Broadwater

HB No. 298

Abstract: Provides that transmission by e-mail is an acceptable means of sending a summary of communication between a case manager or vocational rehabilitation counselor and health care provider in workers' compensation claims.

Present law provides that in workers' compensation cases, a health care provider shall release an employee's medical records to the employee or his agent, the rehabilitation counselor, another health care provider, the employer or his agent, or the workers' compensation insurer for the purpose of coordinated care for the employee.

Present law provides that information relative to the treatment of the employee shall be available to the employer or his workers' compensation insurer by subpoena or through written release of the claimant.

Present law provides that the case manager or vocational rehabilitation counselor who communicates with the health care provider shall mail a written summary of the communication and any work restrictions or modifications required for the employee's reasonable return to employment to the employee, his representative, and the health care provider within five working days.

Proposed law retains present law and further provides that the written summary may be sent by e-mail, if authorized in writing by the employee or his representative.

(Amends R.S. 23:1127(C)(3))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill.

1. Required that the consent to receive the vocational rehabilitation counselor's written summary to be sent by e-mail must be in writing.