Regular Session, 2013

ACT No. 317

HOUSE BILL NO. 450

BY REPRESENTATIVE IVEY

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

1	AN ACT
2	To amend and reenact R.S. 23:1203.1(A), (J), (K), and (M) and to enact R.S. 23:1203.1.1,
3	relative to the workers' compensation medical treatment schedule; to provide with
4	respect to the medical advisory council; to provide with respect to the medical
5	director; to provide for an associate medical director; to provide with respect to his
6	qualifications; to provide definitions; to provide for supporting scientific evidence
7	for treatment; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 23:1203.1(A), (J), (K), and (M) are hereby amended and reenacted
10	and R.S. 23:1203.1.1 is hereby enacted to read as follows:
11	§1203.1. Medical Definitions; medical treatment schedule; medical advisory council
12	A. For use in this Section, the following terms shall have the following
13	meanings, unless clearly indicated otherwise by the context:
14	(1) "Associate medical director" means a physician who is licensed to
15	practice medicine in the state of Louisiana and has been chosen by the director of the
16	office of workers' compensation administration pursuant to R.S. 23:1203.1.1.
17	(2) "Council" means the medical advisory council appointed by the director
18	of the office of workers' compensation administration.
19	(2) (3) "Director" means the director of the office of workers' compensation
20	administration.
21	(4) "Medical director" means a physician who is licensed to practice
22	medicine in the state of Louisiana and has been chosen by the director of the office
23	of workers' compensation administration pursuant to R.S. 23:1203.1.1.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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$\frac{(3)}{(5)}$ "Office" means the office	e of workers' compensati	on administration
of the Louisiana Workforce Commission	1.	

(4) (6) "Schedule" means the medical treatment schedule to be developed by the council and promulgated by the office and the director.

* * *

J.(1) After a medical provider has submitted to the payor the request for authorization and the information required by the Louisiana Administrative Code, Title 40, Chapter 27, the payor shall notify the medical provider of their action on the request within five business days of receipt of the request. If any dispute arises after January 1, 2011, as to whether the recommended care, services, or treatment is in accordance with the medical treatment schedule, or whether a variance from the medical treatment schedule is reasonably required as contemplated in Subsection I of this Section, any aggrieved party shall file, within fifteen calendar days, an appeal with the office of workers' compensation administration medical director or associate medical director on a form promulgated by the director. The medical director or associate medical director shall render a decision as soon as is practicable, but in no event, not more than thirty calendar days from the date of filing.

(2) If either party, the medical director, or associate medical director believes that a potential conflict of interest exists, they shall communicate in writing such information to the director, who shall make a determination as to whether a conflict exists within two business days. The director shall notify in writing the patient, the physician, and, if applicable, the attorney of his decision within two business days.

K. After the issuance of the decision by the medical director <u>or associate</u> <u>medical director</u> of the office, any party who disagrees with the <u>medical director's</u> decision, may then appeal by filing a "Disputed Claim for Compensation", which is LWC Form 1008. The decision of the <u>medical director</u> may be overturned when it is shown, by clear and convincing evidence, the decision of the medical director <u>or associate medical director</u> was not in accordance with the provisions of this Section.

* * *

1 M.(1) With regard to all treatment not covered by the medical treatment 2 schedule promulgated in accordance with this Section, all medical care, services, and 3 treatment shall be in accordance with Subsection D of this Section. 4 (2) Notwithstanding any other provision of this Chapter, all treatment not 5 specified in the medical treatment schedule and not found in Subsection D of this 6 Section shall be due by the employer when it is demonstrated to the medical director, 7 in accordance with the principles of Subsection C of this Section, that a 8 preponderance of the scientific medical evidence supports approval of the treatment 9 that is not covered. 10 11 §1203.1.1. Medical director and associate medical director 12 A. The director shall hire a medical director and an associate medical 13 director to render decisions on disputed cases filed pursuant to R.S. 23:1203.1(J). B. The medical director and associate medical director shall be full-time 14 15 public employees of the office of workers' compensation administration and shall not 16 engage in the practice of medicine outside the office. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: ____