SLS 19RS-241 **ORIGINAL**

2019 Regular Session

SENATE BILL NO. 88

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BY SENATOR LUNEAU

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

WORKERS' COMPENSATION. Provides relative to the workers' compensation medical treatment schedule. (8/1/19)

AN ACT

2	To amend and reenact R.S. 23:1203.1(K), relative to the workers' compensation medical
3	treatment schedule; to provide for appeals; to provide for deadlines; and to provide
4	for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 23:1203.1(K) is hereby amended and reenacted to read as follows
7	§1203.1. Definitions; medical treatment schedule; medical advisory council
8	* * *
9	K. After the issuance of the decision by the medical director or associate
10	medical director of the office, any party who disagrees with the decision, may then
11	appeal by filing a "Disputed Claim for Compensation", which is LWC Form 1008.
12	within thirty days of the date of the issuance of the decision. The decision may
13	be overturned when it is shown, by clear and convincing evidence, the decision of
14	the medical director or associate medical director was not in accordance with the
15	provisions of this Section.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

SB 88 Original

2019 Regular Session

Luneau

<u>Present law</u> provides that a medical treatment schedule is to be used in the medical care, services, and treatment in workers' compensation matters.

<u>Present law</u> provides that the medical treatment schedule shall be based upon guidelines which do all of the following:

- (1) Rely on specified, comprehensive, and ongoing systematic medical literature review.
- (2) Contain published criteria for rating studies and for determining the overall strength of the medical evidence.
- (3) Are current and the most recent version produced.
- (4) Are interdisciplinary and address the frequency, duration, intensity, and appropriateness of treatment modalities for all disciplines commonly involved in the care, services, or treatment provided to injured workers.
- (5) Are adopted by rule or statute.

<u>Present law</u> provides that deviations from the medical treatment schedule may be approved by the medical director or associate medical director of the office of workers' compensation. <u>Present law</u> further provides that any party may appeal the decision of the medical director or associate medical director by filing a "Disputed Claim for Compensation" form provided by the La. Workforce Commission. <u>Present law</u> further provides that the appeal will be heard by a workers' compensation judge and the decision may be overturned when it is shown, by clear and convincing evidence, that the decision of the medical director or associate medical director was not in accordance with the provisions of the medical treatment schedule as set forth in <u>present law</u>.

<u>Proposed law</u> retains <u>present law</u> but provides that the appeal of the decision by the medical director or associate medical director must be made within 30 days of the date of the issuance of the decision.

Effective August 1, 2019.

(Adds R.S. 23:1203.1(K))