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SB 162 Engrossed

DIGEST
2026 Regular Session

Seabaugh

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

Present law provides that the medical treatment schedule is to be based on guidelines which meet all of the following criteria:

- (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, including the size of the sample, whether the authors and researchers had any financial interest in the product or service being studied, the design of the study and identification of any bias, and the statistical significance of the study.
- (3) Are current and the most recent version produced, which means that documented evidence can be produced or verified that the guideline was developed, reviewed, or revised within the previous five years.
- (4) Are interdisciplinary and address the frequency, duration, intensity, and appropriateness of treatment procedures and modalities for all disciplines commonly performing treatment of employment-related injuries and diseases.
- (5) Are, by statute or rule, adopted by any other state regarding medical treatment for workers' compensation injuries, diseases, or conditions.

Present law provides that a dispute as to whether 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, may be appealed within 15 calendar days to the office of workers' compensation administration medical director or associate medical director.

Present law 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 within 45 days of the date of the issuance of the decision.

Present law further provides that the medical director or the associate medical director's decision may be overturned by clear and convincing evidence that the decision was not in accordance with law.

Proposed law retains present law and adds that the party who filed the appeal must notify the director that he has done so within 10, after which the director will compile and forward the entire record used by the medical director in issuing the decision to the district hearing office within 15 days of receiving the notice. Proposed law provides that the record will be made available to the parties upon request. Proposed law further provides that at the hearing on the appeal, if no evidence in addition to the record is introduced, the workers' compensation judge will either affirm or reverse the decision of the medical director based upon the record that was before the medical director. Proposed law further provides that if additional evidence that was not submitted to the medical director is introduced at the hearing, then the judge will remand the case to the medical director for consideration of the additional evidence. Proposed law further provides that following remand, the medical director will render a new decision after considering the additional evidence within 30 days of the remand. Proposed law further provides that if the medical director takes no action within 30 days of the remand order, the judge will decide the appeal based upon the entire record.

Effective August 1, 2026.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Change procedure by which an appeal of the medical director's decision is conducted.