

2022 Regular Session

HOUSE BILL NO. 502

BY REPRESENTATIVE GAINES

WORKERS COMPENSATION: Provides relative to a payor's failure to authorize an approved medical treatment or testing

1 AN ACT

2 To amend and reenact R.S. 23:1203.1(K), relative to workers' compensation; to provide for
3 medical treatment or test; to provide for the failure to authorize a medical treatment
4 or test approved by the medical director; to provide for a penalty; to provide for
5 attorney fees; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §1203.1. Definitions; medical treatment schedule; medical advisory council

9 * * *

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

17 (2)(a) If after the medical director has approved a treatment or test and no
18 appeal has been filed pursuant to Paragraph (1) of this Subsection, a payor fails to
19 authorize the approved treatment or test, the payor shall be subject to a penalty of

