

RÉSUMÉ DIGEST

ACT 210 (SB 200)

2023 Regular Session

Duplessis

Existing law provides definitions relative to prohibited employment discrimination.

New law retains existing law and defines the terms "medically necessary" and "preventive cancer screening".

New law defines "medically necessary" as those healthcare services that are in accordance with generally accepted evidence-based medical standards or that are considered by most physicians or independent licensed practitioners within the community of their respective professional organizations to be the standard of care. New law further provides that, in order to be considered medically necessary, services must be deemed reasonably necessary to diagnose, correct, cure, alleviate, or prevent the worsening of a condition or conditions that endanger life, cause suffering or pain, or have resulted or will result in a handicap, physical deformity, or malfunction, and those for which no equally effective and less costly course of treatment is available or suitable for the recipient.

New law requires an employer to grant an employee a day's leave of absence from work to obtain genetic testing or a preventive cancer screening. New law further requires an employee to provide documentation confirming the performance of such genetic testing or cancer screening upon an employer's request.

New law requires an employee to provide a 15 days' notice to an employer prior to requesting a leave of absence from work to obtain genetic testing or a preventative cancer screening. New law further requires the employee to provide documentation confirming the performance of such genetic testing or cancer screening when requested by the employer.

New law provides that employers, employment agencies, or labor organizations are not required to provide paid time off to an employee who is absent from work due to genetic testing or a medically necessary cancer screening.

New law permits an employee to disclose the results of genetic testing or a medically necessary cancer screening.

Effective August 1, 2023.

(Amends R.S. 23:302(7) and (8); adds R.S. 23:302(9) and (10) and 370)