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## DIGEST

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HB 769 Original

2024 Regular Session

Riser

**Abstract:** Creates civil liability for the denial of compensability for healthcare benefits in workers' compensation claims.

Present law provides that claims or payments due under present law shall have the same preference and priority for the whole against the assets of the employer as is allowed by law for any unpaid laborer's wages. Present law further provides such claims and payments shall not be assignable and exempts them from claims from a creditor, excluding a judgment for alimony for certain persons.

Proposed law retains present law but makes technical corrections.

Present law provides that, if a workers' compensation payor has denied compensation for an employee's injury, the health insurer shall be responsible for the payment of all medical benefits as required in the health insurer's policy. Present law further provides that any health insurer, that provides healthcare benefits for an employee who violates the provisions of present law, shall be liable to the employee or healthcare provider for reasonable attorney's fees and costs related to the dispute and to the employee for any payable health benefits.

Proposed law retains present law but makes technical corrections.

Present law provides for the recovery of the payment of medical expenses in accordance to provisions of present law. Proposed law retains present law.

Present law provides that if there is a determination that the workers' compensation payor was responsible for payment of medical benefits that were paid by the health insurer, then the workers' compensation payor must fully reimburse the health insurer.

Proposed law retains present law but makes technical corrections.

Present law provides that any claim file against the workers' compensation carrier by the health insurer or health provider shall not be subject to timely filing requirements. Present law further provides that prescription on the claim does not run until such time that the workers' compensation claim reaches a resolution by final judgment or settlement.

Proposed law retains present law but makes technical corrections.

Present law requires any claim that is filed by a healthcare provider against a health insurer to be

filed no later than 180 days after the workers' compensation payor denies payment of benefits.

Proposed law retains present law but makes technical corrections.

Present law allows any company, that contracts for healthcare benefits for an employee, to have a right of reimbursement against the entity responsible for the payment of workers' compensation benefits, if the company paid healthcare benefits that the entity was responsible for.

Proposed law retains present law.

Present law provides that the company, if the company is seeking recovery in conjunction with a claim against any party brought by the employee, may be charged with a proportionate share of the reasonable and necessary costs, including attorney's fees, the employee incurred.

Proposed law retains present law.

Proposed law provides, that if the workers' compensation payor's denial of compensation was not the result of reasonable controversion, that the employer shall have a cause of action to recover healthcare benefits paid and, in the event of recovery, be entitled to a penalty in the amount of 24% of healthcare benefits recovered in addition to reasonable attorney's fees.

(Amends R.S. 23:1205)