
DIGEST

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HB 870 Original

2024 Regular Session

Echols

Abstract: Provides for the adoption of a medical fee reimbursement schedule for workers' compensation claims.

Present law provides that the assistant secretary of the office of workers' compensation administration, (assistant secretary), shall establish and promulgate a reimbursement schedule for drugs, supplies, and certain care, services, and treatments that are lawfully recognized in this state and which are applicable to any person or corporation that renders these drugs, supplies, care, services, or treatments.

Proposed law retains present law.

Present law provides that the reimbursement schedule shall include charges limited to the means of the usual and customary charges for such care, services, treatment, drugs, and supplies. Present law further provides that any necessary adjustments to the reimbursement schedule may be made annually.

Proposed law repeals present law and instead clarifies that the reimbursement schedule shall include charges limited to the amount that would be due under Medicare times a multiplier of one and one-half, or the actual charge made for the service, whichever is less.

Present law provides that the assistant secretary shall have the authority to collect the information and data necessary to calculate the reimbursement schedule. Present law further provides the guidelines for collecting the required information and data.

Proposed law repeals present law.

Present law requires that all the collected information be considered confidential and privileged and prohibits such information from being subject to public record and subpoena. Present law further requires the assistant secretary, all employees of the office of workers' compensation, and academic institution to strictly maintain such confidentiality and exclusively use the collected information for the purpose of promulgating the workers' compensation reimbursement schedule.

Proposed law repeals present law.

Proposed law provides that if there is no Medicare fee schedule reimbursement amount for a particular care, service, treatment, drug, or supply, the reimbursement amount shall be 162%, if such

reimbursement is reasonable and in accordance with the legislative intent expressed in present law (R.S. 23:1020.1).

Proposed law provides that the burden of proof shall be on the party seeking reimbursement to prove that the amount is reasonable, and the payor shall be entitled to reasonable discovery concerning payments accepted by the provider for similar services.

Proposed law allows the assistant secretary to adopt, in accordance with requisite administrative procedural laws, rules and regulations establishing the reimbursement amount, in the absence of a Medicare fee schedule reimbursement amount for a particular care, service, treatment, drug, or supply.

Proposed law provides that in a dispute between a healthcare provider and a payor concerning the proper amount payable according to the reimbursement schedule, any judgment on the merits of such dispute shall include an award of reasonable attorney fees to the prevailing party based on the actual attorney fees incurred by the prevailing party.

(Amends R.S. 23:1034.2(A) and (C)(1), (2), and (3); Adds R.S. 23:1034.2(F)(3))