

GREEN SHEET REDIGEST

HB 618

2024 Regular Session

Beaulieu

WORKERS COMPENSATION: Provides relative to accident reporting and access to medical records and information related to claims.

DIGEST

Present law provides that it is the policy for the efficient administration of the workers' compensation system that there be reasonable access to medical information for all parties to coordinate and manage the care for the injured worker and to facilitate his return to work.

Proposed law retains present law.

Proposed law provides that in accordance with the provisions of proposed law and present law, the employer or the employer's representative may request that the employee sign and return a medical records release authorization on a form to be promulgated by the office of workers' compensation.

Proposed law requires the employer or the employer's representative to provide the medical records release authorization form to the employee, either in person, by certified mail, or any other commercial courier.

Proposed law provides that if the employee fails or refuses to sign the form, the employer or payer may suspend benefits until the employee complies.

Present law provides that in any claim for compensation, a healthcare provider who has at any time treated the employee related to the compensation claim shall release any requested medical information and records relative to the employee's injury to specified persons provided for in present law.

Proposed law retains present law.

Present law allows a healthcare provider to verbally discuss medical information regarding the injured employee with another healthcare provider, a case manager, or a vocational rehabilitation counsel without the need for a subpoena or other discovery devices.

Proposed law retains present law.

Present law requires any medical information released in writing to be sent to the employee at no cost to him. Present law further requires that any medical information or records that are released to an employer or insurer or any other party be held confidential and holds them liable for any damages up to \$1,000 sustained to the employee as a result of a breach of this confidence.

Proposed law retains present law.

Present law provides a list of matters that upon motion of either party, whether or not the employer or payer is entitled to a preliminary determination, the workers' compensation judge's ruling in a hearing shall be conducted as an expedited summary proceeding and shall be considered an order of the court and not requiring a further trial on the merits.

Proposed law adds to that list two additional provisions for when the employee seeks to have a suspension of benefits for failure to comply with present law (R.S. 23:1127) lifted. Proposed law otherwise retains present law.

Present law provides that the workers' compensation judge shall order the employee to sign the choice of physician form, enforce the employee's submission to the medical exam, or provide the L.C.-1020 or L.C.-1025 form as applicable, unless the employee can show good cause for his refusal.

Proposed law adds that the judge can order the employee to sign the medical records release authorization form to present law. Proposed law otherwise retains present law.

Proposed law provides that the medical record release authorization form shall be promulgated no later than Jan. 1, 2025.

(Amends R.S. 23:1127, 1201.1(A)(intro.)(para.) and (K)(8)(b)(i) and (c); adds R.S. 23:1201.1(K)(8)(a)(x) and (xi))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill:

1. Amend the provisions of proposed law concerning the medical release authorization form and provide the procedure for submitting the authorization form.
2. Add and amend provisions of present law to include certain claims arising out of present law.
3. Add a provision concerning when an expedited summary proceeding can be conducted.
4. Provide for instances when notice is given 30 days after the work accident.
5. Provide for when the notice provided for in proposed law is not required.
6. Make technical and title corrections.

The House Floor Amendments to the engrossed bill:

1. Clarify that the assistant secretary of the office of workers' compensation shall promulgate the form for the medical records release authorization.
2. Provide notification requirements for the medical records release authorization.
3. Provide that failure to return the form may result in a suspension of benefits.
4. Add an additional provision concerning when an expedited summary proceeding can be conducted.
5. Require notice to be given to the employer 30 days after the injury occurred.
6. Provide that notice does not need to be given to the employer, if the employer had knowledge of the alleged injury, within 30 days after the injury or death occurred.
7. Require, in the absence of good cause, a penalty and the mechanism for how the penalty is assessed and paid for the failure to submit an employer report provided for in present law (R.S.23:1306).
8. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Labor and Industrial Relations to the engrossed bill

1. Delete proposed law relative to notice of injury.
2. Delete proposed law relative to employer reports.