

2026 Regular Session

HOUSE BILL NO. 1119

BY REPRESENTATIVE PHELPS

WORKERS COMPENSATION: Provides relative to an employee's refusal to submit to a medical examination or cooperate with vocational rehabilitation and provides relative to expedited summary proceedings for certain disputes

1 AN ACT

2 To amend and reenact R.S. 23:1124, 1201.1(K)(8)(a) and (c), and 1226(B)(3)(c), relative to
3 workers' compensation; to provide for the refusal to submit to a medical
4 examination; to provide for the suspension of benefits for such refusal; to provide for
5 the refusal to cooperate with vocational rehabilitation; to provide for expedited
6 summary proceedings for certain disputes; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:1124, 1201.1(K)(8)(a) and (c), and 1226(B)(3)(c) are hereby
9 amended and reenacted to read as follows:

10 §1124. Refusal to submit to an additional medical opinion regarding an examination;
11 effect on right to compensation

12 If the employee refuses to submit himself to an additional medical opinion
13 regarding a medical examination at the behest of the employer or an examination
14 conducted pursuant to R.S. 23:1123, or in ~~anywise~~ any way obstructs the ~~same~~
15 examination, his right to compensation and to take or prosecute any further
16 proceedings ~~under~~ pursuant to this Chapter may be suspended by the employer or
17 payor until the examination takes place. Such suspension of benefits by the
18 employer or payor shall ~~be made in accordance with the provisions of R.S.~~
19 ~~23:1201.1(A)(4) and (5)~~ occur only after an expedited hearing has been conducted

1 as provided for in this Section. Any employer or payor who seeks to compel an
2 employee's compliance with a medical examination shall be granted an expedited
3 hearing. The hearing shall be held no less than ten and no more than thirty days after
4 the employee, or his attorney, receives notice, delivered by certified or registered
5 mail, of the motion seeking to compel the examination. No pre-trial conference
6 mediation shall be required in connection with the hearing. The hearing shall be
7 conducted as a rule to show cause. Unless the employee can show good cause for
8 his refusal or obstruction of the medical examination, the court shall order the
9 employee's compensation and prosecution rights suspended until the examination
10 takes place. Once the examination takes place, all suspended benefits shall be paid
11 to the employee within ten days of the examination. ~~When the employee has filed a~~
12 ~~disputed claim, the employer or payor may move for an order to compel the~~
13 ~~employee to appear for an additional medical opinion regarding an examination. The~~
14 ~~employee shall receive at least fourteen days written notice prior to the additional~~
15 ~~medical opinion regarding an examination. When a right to compensation is~~
16 ~~suspended no compensation shall be payable in respect to the period of suspension.~~

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§1201.1. Controversion of compensation and medical benefits

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K.

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22 (8)(a) Upon motion of either party, whether or not the employer or payor is
23 entitled to a preliminary determination, the workers' compensation judge's ruling in
24 a hearing shall be conducted as an expedited summary proceeding and shall be
25 considered an order of the court and not ~~requiring~~ require a further trial on the
26 merits, if it concerns any of the following matters:

27 (i) The employee has sought choice of physician pursuant to R.S.
28 23:1121(B)(1), including any dispute relative to penalties and attorney fees for
29 alleged failure to authorize the employee's choice of physician.

1 (ii) The employee has filed a claim pursuant to R.S. 23:1226(B)(3)(a).

2 (iii) The employer or payor seeks to compel the employee to sign the choice
3 of physician form pursuant to R.S. 23:1121(B)(5).

4 (iv) The employer or payor seeks to compel the employee's submission to
5 a medical examination pursuant to R.S. 23:1124.

6 (v) The employer seeks to require the employee to return form LWC-1025
7 or LWC-1020.

8 (vi) The employee seeks to have a suspension of benefits for failure to
9 comply with R.S. 23:1121(B)(1) lifted.

10 (vii) ~~The employee seeks to have a suspension of benefits for failure to~~
11 ~~submit to a medical examination lifted.~~

12 (viii) The employee seeks to have a suspension of benefits for failure to
13 comply with R.S. 23:1208(H) lifted.

14 (ix)(viii) The employer seeks to have a reduction in benefits for
15 failure to cooperate with vocational rehabilitation ~~lifted~~.

16 * * *

17 (c) The workers' compensation judge shall order the employee to sign the
18 choice of physician form; ~~enforce the employee's submission to the medical~~
19 ~~examination~~; or provide the LWC-1020 or LWC-1025 form as applicable, unless the
20 employee can show good cause for his refusal.

21 * * *

22 §1226. Rehabilitation of injured employees

23 * * *

24 B.

25 * * *

26 (3)

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28 (c) Upon refusal by the employee to cooperate with vocational rehabilitation,
29 the employer or payor may file a motion in accordance with R.S.

Present law prohibits compensation from being paid during a period of suspension when a right to compensation is suspended.

Proposed law repeals present law.

Present law provides that, upon motion of either party, regardless of whether the employer or payor 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 require a further trial on the merits, if it concerns any of the following matters:

- (1) The employee has sought a choice of physician pursuant to present law (R.S. 23:1121(B)(1)).
- (2) The employee has filed a claim pursuant to present law (R.S. 23:1226(B)(3)(a)).
- (3) The employer or payor seeks to compel the employee to sign the choice of physician form pursuant to present law (R.S. 23:1121(B)(5)).
- (4) The employer or payor seeks to compel the employee's submission to a medical examination pursuant to present law (R.S. 23:1124).
- (5) The employer seeks to require the employee to return either of the forms required by present law.
- (6) The employee seeks to have a suspension of benefits for failure to comply with present law (R.S. 23:1121(B)(1)) lifted.
- (7) The employee seeks to have a suspension of benefits for failure to submit to a medical examination lifted.
- (8) The employee seeks to have a suspension of benefits for failure to comply with present law (R.S. 23:1208(H)) lifted.
- (9) The employee seeks to have a reduction in benefits for failure to cooperate with vocational rehabilitation lifted.

Proposed law revises two of the aforementioned concerns to instead say the following:

- (1) The employee has sought a choice of physician pursuant to present law (R.S. 23:1121(B)(1)), including any dispute relative to penalties and attorney fees for alleged failure to authorize the employee's choice of physician.
- (2) The employer seeks a reduction in benefits for failure to cooperate with vocational rehabilitation.

Proposed law repeals the aforementioned concern regarding the employee seeking to have a suspension of benefits for failure to submit a medical examination lifted.

Present law requires the workers' compensation judge to order the employee to sign the choice of physician form, enforce the employee's submission to the medical examination, or provide either of the requisite forms provided for in present law, unless the employee can show good cause for his refusal to submit to the examination.

Proposed law removes the provision that requires the judge to enforce the employee's submission to the medical examination. Proposed law otherwise retains present law.

Present law allows the employer or payor to reduce weekly compensation, including supplemental earnings benefits, if the employee refuses to submit to an examination. Present law also allows the employer or payor to reduce compensation by 50% for each week during the period of refusal.

Proposed law instead provides that an employer or payor may file a motion in accordance with proposed law (R.S. 23:1201.1(K)(8)(a)(viii)) to reduce weekly compensation.

Present law provides that reduction of benefits by the employer or payor shall be made in accordance with provisions of present law (R.S. 23:1201.1(A) - (E)).

Proposed law instead provides that a reduction of benefits by the employer or payor shall be ordered by the court upon a finding that the employee has unreasonably refused to cooperate with vocational rehabilitation.

(Amends R.S. 23:1124, 1201.1(K)(8)(a) and (c), and 1226(B)(3)(c))