
DIGEST

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HB 1119 Original

2026 Regular Session

Phelps

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

Present law provides that, if an employee refuses to submit to or obstruct the occurrence of an additional medical opinion regarding a medical examination at the employer's request or an examination conducted pursuant to present law (R.S. 23:1123), his right to compensation and to take or prosecute any further proceedings may be suspended by the employer or payor, until the examination takes place.

Present law provides that a suspension of benefits by the employer or payor shall be made in accordance with present law (R.S. 23:1201.1(A)(4) and (5)).

Proposed law instead provides that the suspension shall occur only after an expedited hearing has been conducted. Proposed law also provides that any employer or payor who seeks to compel an employee's compliance with a medical examination shall be granted an expedited hearing.

Proposed law requires the expedited hearing to be held not less than 10 days and no more than 30 days after the employee, or his attorney, receives notice via certified or registered mail, of the motion seeking to compel the examination.

Proposed law prohibits a pre-trial conference mediation from being required in connection with the hearing.

Proposed law requires the hearing to be conducted as a rule to show cause and further requires the court to order the employee's compensation and prosecution rights suspended until the examination takes place, unless the employee can show good cause for his refusal to or obstruction of the medical examination.

Present law allows the employer or payor to move for an order to compel the employee to appear for an additional medical opinion regarding an examination when an employee has filed a disputed claim. Present law also requires a 14-day written notice to be sent to the employee prior to the examination.

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))