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CONFERENCE COMMITTEE REPORT DIGEST

SB 408

2026 Regular Session

Myers

Keyword and summary of the bill as proposed by the Conference Committee

WORKERS' COMPENSATION. Provides relative to the workers' compensation reimbursement schedule. (See Act)

Report rejects House amendments which would have:

1. Required that the decision of the office of workers' compensation administration's medical services section would be final if a dispute arose between the healthcare provider and the employee, employer, or workers' compensation payor regarding billing, payment, explanation of benefits, reconsideration or the appropriate amount owed.
2. Allowed the nonprevailing party to appeal the decision of the workers' compensation administration's medical services section to the judicial district court of proper venue.
3. Required preliminary determinations for employers even if they have not complied with statutory criteria.
4. Defined "maximum medical improvement".
5. Required the assistant secretary to order an additional medical opinion regarding an examination of the employee be made by a medical practitioner selected and appointed by the assistant secretary if any dispute arises as to the condition of the employee including the cause of the condition, or whether the employee is at maximum medical improvement.
6. Required that an award of temporary total disability cease when the physical condition of the employee has resolved itself to the point of maximum medical improvement.
7. Authorized an employee who has exhausted eligibility for temporary total disability benefits to access supplemental earnings benefits not to exceed 416 weeks.

Report amends the bill to:

1. Require that the decision of the office of workers' compensation administration's medical

services section be final if a dispute arose between the healthcare provider and the employee, employer, or workers' compensation payor regarding billing, payment, explanation of benefits, reconsideration or the appropriate amount owed.

2. Require the workers' compensation administration's medical services section to issue written notice of the decision, and authorizes the nonprevailing party to appeal the decision within 30 days of its receipt by certified mail to the judicial district court of proper venue as provided by present law.
3. Provide that the payor or insurers failure to pay medical benefits within 30 days of receiving an electronic medical bill as required by present law will result in fines and interest pursuant to present law.
4. Provide that any request for authorization of office visits, diagnostic testing, chiropractic treatment of 12 office visits or less, or physical therapy of 12 office visits or less is considered authorized and approved by the payor if the request has not been specifically denied within five business days.
5. Provide for controversion of compensation and medical benefits.
6. Change the name of the database from "All Workers' Compensation Medical Claims Database" to "All Workers' Compensation Medical Bill Database".
7. Change effective dates.
8. Make technical changes.

Digest of the bill as proposed by the Conference Committee

Present law requires the assistant secretary of the office of workers' compensation administration to create a reimbursement schedule that sets the maximum amount that can be paid to doctors, hospitals, pharmacies, or providers for prescription drugs, medical supplies, hospital care and services, and medical and surgical treatments provided to injured workers.

Present law provides that the schedule will include charges which reflect the mean of the usual and customary charge for medical care, services, treatment, drugs and supplies.

Proposed law repeals present law.

Proposed law requires reimbursement for implants to be the total of the original manufacturer's invoice or the authorized distributor's invoice amount paid plus 20%.

Proposed law defines "database", "medical claim", "payor" and "electronic claim".

Present law provides that the assistant secretary will collect the information and data necessary to

calculate the reimbursement schedule. Present law further provides that the information and data will be governed by the following guidelines:

- (1) The assistant secretary will create a written survey detailing the information requested.
- (2) The survey will be managed by the office of workers' compensation administration in conjunction with an academic institution.
- (3) The information requested must be based upon data at least six months old.
- (4) There will be a minimum of 30 healthcare providers reporting data upon which each disseminated statistic is based.
- (5) No individual healthcare provider's data can represent more than 25% on a weighted basis of each statistic.
- (6) Any information disseminated must be sufficiently aggregated such that it will not allow recipients to identify the prices charged or compensation paid by any particular healthcare provider.

Proposed law repeals present law.

Present law provides that disputes between healthcare providers and employees, employers, or insurers may be submitted to the office of workers' compensation in the same manner as established for dispute resolution of claims for workers' compensation benefits.

Present law retains proposed law and adds that if the dispute is regarding billing, payment, explanation of benefits, reconsideration, or the appropriate amount owed for the provision of medical services that have been rendered, the disputing party will submit the dispute for resolution to the office of workers' compensation's administration's medical services section.

Proposed law provides that the nonprevailing party will pay the cost of the review.

Proposed law provides an appeals process.

Proposed law provides that the fee schedule in present law will remain in effect until the legislature adopts the new fee schedule.

Proposed law provides that a request for authorization for certain medical services is deemed authorized if not denied within five business days.

Proposed law requires the assistant secretary to establish and maintain the "All Workers' Compensation Medical Bill Database" (database).

Proposed law provides that the purpose of the database is to:

- (1) Improve transparency in medical reimbursement trends.
- (2) Assist in enforcement and maintenance of an appropriate fee schedule.
- (3) Evaluate medical utilization patterns and outcomes.
- (4) Detect fraud, waste, and abuse.
- (5) Support policy development, rate analysis, and system oversight.

Proposed law requires all workers' compensation payors to submit medical and pharmacy claims data for all workers' compensation claims arising under Louisiana law to the assistant secretary of the office of workers' compensation administration.

Proposed law provides that the medical and pharmacy data must include:

- (1) Date of injury.
- (2) Employer industry classification.
- (3) Provider specialty and identifier.
- (4) CPT, HCPCS, ICD, and NDC codes as applicable.
- (5) Billed charge and allowed amount.
- (6) Paid amount.
- (7) Service dates.
- (8) Utilization review actions.
- (9) Claim status indicators.

Proposed law requires medical and pharmacy data to be submitted quarterly unless otherwise required by provisions of present law that establish, promulgate, and update the reimbursement schedule.

Proposed law provides that the information collected and maintained in the database will be confidential and privileged. Proposed law also provides criminal penalties for unauthorized disclosure.

Proposed law allows the assistant secretary to use the data collected for the database for:

- (1) Monitoring compliance with medical fee schedule regulations.

- (2) Studying medical cost drivers and utilization trends.
- (3) Supporting actuarial review and rate analysis.
- (4) Evaluating the effectiveness of medical treatment guidelines.
- (5) Developing, revising, or modernizing the workers' compensation medical fee schedule.
- (6) Reporting annually to the legislature.

Proposed law provides that payors who fail to submit required information to the database or correct submissions rejected because of errors will receive a notice from the assistant secretary, and an extension of time may be granted for just cause. Proposed law further provides that the assistant secretary may assess a fine that does not exceed \$500 per day for noncompliance.

Present law provides that the assistant secretary will adopt rules and regulations regarding an electronic system of submission, processing, and payment of workers' compensation-related medical bills.

Present law provides that insurance carriers will accept medical bills electronically submitted by healthcare providers and electronic payment of such bills, and healthcare providers will accept payment of medical claims submitted electronically by insurance carriers.

Proposed law provides that beginning July 1, 2027, claims for medical services rendered will be submitted to a workers' compensation payor in electronic format.

Proposed law requires the assistant secretary to develop and implement a Workers' Compensation Medical Quality and Outcomes Program designed to measure, evaluate, and improve the quality of effectiveness of medical care provided to injured employees.

Present law provides a declaration by the legislature that the people should be aware of all of the exceptions, exemptions, and limitations to the public records law and that such exceptions, exemptions, and limitations should be provided only in present law relative to public records or the Constitution of Louisiana. Proposed law further provides that any exceptions, exemptions, and limitations elsewhere in the law will not have effect. Proposed law further recognizes that there currently exists a number of exceptions, exemptions, and limitations located elsewhere in present law.

Proposed law retains present law and adds provisions of proposed law relative to the medical claims database to the list of public records exceptions.

Proposed law provides for reporting to the legislature.

Proposed law provides that certain provisions of proposed law are effective upon signature of the governor or lapse of time for gubernatorial action.

Proposed law further provides for effectiveness of other provisions of proposed law.

(Amends R.S. 23:1021(intro. para.), 1034.2(C), and (F), 1201(E) and (F)(intro. para.) and (F)(2), 1201.1(A), (B), (D), (E), (G) through (I), (J)(2) through (4), (K)(1)(intro. para.) and (K)(2) through (5), 1203(B), 1203.1(J)(1), 1203.2, and R.S. 44:4.1(B)(12); adds R.S. 23:1021(14), and 1200.18.1 - 1200.18.9; repeals R.S. 23:1201(A)(5))