

Regular Session, 2013

SENATE BILL NO. 261 (Substitute of Senate Bill No. 181 by Senator Cortez)

BY SENATOR CORTEZ

WORKERS' COMPENSATION. Provides for the qualifications and duties of the medical director within the office of workers' compensation. (8/1/13)

1 AN ACT

2 To amend and reenact R.S. 23:1203.1(A) and (F)(5) and to enact R.S. 23:1203.1(P) and (Q),
3 relative to workers' compensation; to provide for the medical director; to provide for
4 definitions; to provide for the associate medical director; to provide for duties; to
5 prohibit conflicts of interest; to provide for medical treatment; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:1203.1(A) and (F)(5) are hereby amended and reenacted and R.S.
9 23:1203.1(P) and (Q) are hereby enacted to read as follows:

10 §1203.1. Medical treatment schedule; medical advisory council

11 A. For use in this Section, the following terms shall have the following
12 meanings, unless clearly indicated otherwise by the context:

13 **(1) "Associate medical director" means a physician who meets all of the**
14 **following criteria:**

15 **(a) Is licensed to practice medicine in the state of Louisiana.**

16 **(b) Is chosen by the director of the office of workers' compensation**
17 **administration pursuant to Subparagraph (F)(5)(a) of this Section.**

1 **(c) Is a full-time public employee of the office of workers' compensation**
2 **administration and does not engage in the practice of medicine outside the office**
3 **of workers' compensation administration.**

4 **(d) Assists the medical director.**

5 ~~(1)~~**(2)** "Council" means the medical advisory council appointed by the
6 director of the office of workers' compensation administration.

7 ~~(2)~~**(3)** "Director" means the director of the office of workers' compensation
8 administration.

9 **(4) "Medical director" means a physician who meets all of the following**
10 **criteria:**

11 **(a) Is licensed to practice medicine in the state of Louisiana.**

12 **(b) Is chosen by the director of the office of workers' compensation**
13 **administration pursuant to Subparagraph (F)(5)(a) of this Section.**

14 **(c) Is a full-time public employee of the office of workers' compensation**
15 **administration and does not engage in the practice of medicine outside the office**
16 **of workers' compensation administration.**

17 ~~(3)~~**(5)** "Office" means the office of workers' compensation administration of
18 the Louisiana Workforce Commission.

19 ~~(4)~~**(6)** "Schedule" means the medical treatment schedule to be developed by
20 the council and promulgated by the office and the director.

21 * * *

22 F. The director of the office of workers' compensation administration shall
23 appoint a medical advisory council, which shall be selected in accordance with the
24 following:

25 * * *

26 ~~(5)~~**(a)** The director shall have the authority to contract with **or employ** a
27 medical director **or an associate medical director** and with consultants to assist the
28 director and the medical advisory council in the establishment and promulgation of
29 the schedule.

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(b) The associate medical director shall have the authority to act in the place of the medical director regarding disputed cases filed pursuant to Subsection J of this Section in any of the following circumstances:

- (i) The medical director has a conflict of interest.**
- (ii) The volume of disputed cases is determined by the director to be voluminous and the assistance of the associate medical director is necessary.**
- (iii) The disputed case is outside the expertise of the medical director.**
- (iv) The medical director is unable to perform his duties.**

(c) The director shall promulgate rules and regulations to prohibit potential conflicts of interest by the medical director or the associate medical director.

* * *

P. Nothing in this Section shall be construed to deny the injured employee medically necessary evaluation management visits with injured employee's treating physician so long as all of the following are met:

- (1) The medical treatment schedule requires documentation of functional improvement to continue prescribed treatment.**
- (2) The number of evaluation management visits is not greater than twelve visits per annum.**

Q. Notwithstanding any other provision to the contrary, should the payor refuse to authorize the number of physical therapy treatments prescribed by the treating physician, the payor shall authorize an evaluation management visit, pursuant to Subsection P of this Section, following the last authorized physical therapy treatment in order to determine if the patient is improving as a result of the physical therapy treatments authorized and if more physical therapy treatments are medically necessary.

The original instrument was prepared by Carla S. Roberts. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

DIGEST

Cortez (SB 261)

Present law provides that the director of the office of workers' compensation shall have the authority to contract with a medical director.

Proposed law retains present law but clarifies that the medical director may be contracted or employed.

Proposed law retains present law but provides that the director of the office of workers' compensation shall have the authority to contract with or employ an associate medical director.

Proposed law defines "medical director" to mean a physician who meets all of the following criteria:

- (1) Is licensed to practice medicine in the state of La.
- (2) Is chosen by the director of the office of workers' compensation as is provided in present law.
- (3) Is a full-time public employee of the office of workers' compensation and does not engage in the practice of medicine outside the office of workers' compensation.
- (4) Assists the medical director.

Proposed law defines "associate medical director" to mean a physician who meets all of the following criteria:

- (1) Is licensed to practice medicine in the state of La.
- (2) Is chosen by the director of the office of workers' compensation.
- (3) Is a full-time public employee of the office of workers' compensation and does not engage in the practice of medicine outside the office of workers' compensation.
- (4) Assists the medical director.

Proposed law provides that the associate medical director shall have the authority to act in the place of the medical director regarding disputed cases in any of the following circumstances:

- (1) The medical director has a conflict of interest.
- (2) The volume of disputed cases is determined by the director to be voluminous.
- (3) The disputed case is outside the expertise of the medical director.
- (4) The medical director is unable to perform his duties.

Proposed law provides that the director shall promulgate rules and regulations to prohibit potential conflicts of interest by the medical director or the associate medical director.

Present law provides that medical treatment owed to the injured employee shall be done in accordance with the medical treatment schedule.

Proposed law retains present law but provides that the injured employee is entitled to medically necessary evaluation management visits with injured employee's treating physician so long as all of the following are met:

- (1) The medical treatment schedule requires documentation of functional improvement to continue prescribed treatment.
- (2) The number of evaluation management visits is not greater than 12 visits per year.

Proposed law retains present law but provides that, should the payor refuse to authorize the number of physical therapy treatments prescribed by the treating physician, the payor shall authorize an evaluation management visit following the last authorized physical therapy treatment in order to determine if the patient is improving as a result of the physical therapy treatments authorized and if more physical therapy treatments are medically necessary.

Effective August 1, 2013.

(Amends R.S. 23:1203.1(A) and (F)(5); adds R.S. 23:1203.1(P) and (Q))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Provides an additional circumstance for associate medical director to act in the place of the medical director regarding disputed cases, specifically if the medical director is unable to perform his duties.
2. Provides that injured employee is entitled to evaluation management visits if such treatment is medically necessary.