

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

WORKERS COMPENSATION. Provides with respect to the medical treatment schedule

DIGEST

Present law provides procedure for submitting claims for workers' compensation reimbursement.

Present law (R.S. 23:1203.1(J)) provides that if a dispute arises regarding medical care, the aggrieved party shall file an appeal with the office of workers' compensation administration (OWCA) medical director.

Proposed law authorizes the director to hire an associate medical director and provides for his qualifications.

Proposed law defines associate medical director and medical director.

Proposed law provides that if a conflict of interest exists among any party to the suit, the director or the associate medical director, that the conflict shall be communicated, in writing, to the director, who shall make a determination within two business days on whether a conflict exists.

Proposed law requires that in the event of a conflict of interest, the director shall notify the patient, the physician, and if represented, the attorney, within two business days.

Present law (R.S. 23:1203.1(M)) provides that all medical treatment not covered by the medical treatment schedule shall be in accordance with present law (R.S. 23:1203.1(D)).

Present law (R.S. 23:1203.1(D)) provides that medical treatment guidelines shall be based on the following criteria:

- (1) Rely on specified, comprehensive, and ongoing systematic medical literature review.
- (2) Contain published criteria for rating studies and for determining the overall strength of the medical evidence, including the size of the sample, whether the authors and researchers had any financial interest in the product or service being studied, the design of the study and identification of any bias, and the statistical significance of the study.
- (3) Are current and the most recent version produced, which shall mean that documented evidence can be produced or verified that the guideline was developed, reviewed, or revised within the previous five years.
- (4) Are interdisciplinary and address the frequency, duration, intensity, and appropriateness of treatment procedures and modalities for all disciplines commonly performing treatment of employment-related injuries and diseases.
- (5) Are, by statute or rule, adopted by any other state regarding medical treatment for workers' compensation injuries, diseases, or conditions.

Proposed law retains present law and further provides that in instances in which a treatment is not covered by the medical treatment schedule, the employer is liable to pay when it has been demonstrated by a preponderance of the scientific evidence to the medical director, in accordance with present law (R.S. 23:1203.1(C)), that the treatment is appropriate.

(Amends R.S. 23:1203.1(A), (J), (K), and (M); Adds R.S. 23:1203.1.1)

Summary of Amendments Adopted by House

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

1. Provided that if there is a conflict of interest between any party to the appeal and any medical director, that OWCA shall contract with other medical directors.
2. Provided that when treatment is not covered by the medical treatment schedule, payment is due by the employer when the employee can demonstrate to the medical director, by preponderance of the scientific evidence, and in accordance with present law, which provides for best available external clinical evidence from systematic research, that treatment is appropriate.

House Floor Amendments to the engrossed bill.

1. Allowed the director to hire an associate medical director.
2. Defined "associate medical director" and "medical director".
3. Provided for the qualifications of the medical director and associate medical director.
4. Deleted the provisions relative to the director's ability to contract with other medical directors.
5. Provided that if a conflict of interest exists among any party to the suit, the director or the associate medical director, that the conflict shall be communicated, in writing, to the director, who shall make a determination within 48 hours on whether a conflict exists.
6. Required that in the event of a conflict of interest, the director shall notify the patient, the physician, and if represented, the attorney, within 48 hours.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Labor and Industrial Relations to the re-reengrossed bill

1. Changes the time in which the medical director or associate medical director may make a determination regarding medical treatment under the medical treatment schedule from forty-eight hours to two business days.
2. Technical amendments.