
DIGEST

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HB 257 Original

2018 Regular Session

Gaines

Abstract: Provides time limits and guidelines for the appeal of a decision by the medical director.

Present law (R.S. 23:1203.1) provides that upon a disagreement with the decision of the medical director, the aggrieved party may appeal by filing LWC Form 1008, "Disputed Claim for Compensation".

Present law allows that the decision may be overturned by clear and convincing evidence that it was not in accordance with the provisions of present law.

Proposed law retains present law and provides a 30 day time period during which a party may appeal the decision of the medical director. Proposed law further allows that a decision on a course of treatment does not preclude a future decision on the same treatment.

Present law (R.S. 23:1209) bars any workers' compensation payment unless the parties have agreed to payment or a formal claim has been made within a year of the injury or death.

Proposed law retains present law and reiterates that an appeal, if desired, shall be taken within 30 days of the medical director's decision.

Proposed law provides that failure to appeal does not preclude an injured worker from later requesting the same treatment or testing and appealing a later ruling denying it.

Proposed law defines "current request" as the specific request for treatment or testing made by a healthcare provider on a specific date.

(Amends R.S. 23:1203.1(K) and 1209(C))