
DIGEST

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HB 478 Original

2021 Regular Session

Stagni

Abstract: Provides relative to additional medical opinions for worker's compensation claims.

Present law provides that if any dispute arises as to the condition of an employee, or the employee's capacity to work, the assistant secretary, upon application of any party, shall order an additional medical opinion and select and appoint a medical practitioner to perform an examination on the employee.

Present law provides that the medical examiner shall report his conclusions to the assistant secretary and to the parties and the report shall be prima facie evidence of the facts.

Proposed law provides that before a disputed claim for compensation is filed, any party may file with his local worker's compensation district office, an application requesting an additional medical opinion. Proposed law further provides that the local worker's compensation district office shall select and appoint the physician to perform an examination on the employee.

Proposed law provides that after a disputed claim for compensation is filed, any party may file with a worker's compensation judge a request for an additional medical opinion. Proposed law further provides that the worker's compensation judge shall select and appoint a physician to perform an examination on the employee.

Proposed law provides that the worker's compensation judge may do any of the following when a party has file a request for an additional medical opinion:

- (1) Grant the request if made at the scheduling conference.
- (2) Deny the request if made after that time except for good cause shown or if it is found to be in the best interest of justice to order the examination.
- (3) On his own motion, order any claimant appearing before him to be examined by another physician.

Proposed law provides that if both parties agree on a physician to conduct the additional medical examination, the parties may present the choice to the appropriate office or to the judge and that physician will be selected to conduct the examination.

Proposed law provides that the physician conducting the exam shall report his conclusions to the

appropriate office or to the judge.

Proposed law provides that neither the claimant nor the respondent in a hearing before the worker's compensation judge shall be permitted to introduce the testimony of more than two physicians where the evidence of any additional physician would be cumulative.

Present law provides that neither the claimant nor the respondent in a hearing before the workers' compensation judge shall be permitted to introduce the testimony of more than two physicians where the evidence of any additional physician would be cumulative. Present law further provides the hearing officer, on his own motion, may order that any claimant appearing before it be examined by other physicians.

Proposed law repeals present law.

(Amends R.S. 23:1123 and 1317.1; Repeals R.S. 23:1124.1)