

2021 Regular Session

HOUSE BILL NO. 512

BY REPRESENTATIVE FRIEMAN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WORKERS COMPENSATION: Provides relative to reimbursement for implants

1 AN ACT

2 To enact R.S. 23:1034.2(G), relative to workers' compensation; to provide for surgical
3 procedures for implants; to provide for a reimbursement schedule; to provide for
4 reimbursement costs; to provide for definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:1034.2(G) is hereby enacted to read as follows:

7 §1034.2. Reimbursement schedule

8 * * *

9 G.(1) When an injured worker requires and is entitled to a surgical procedure
10 that requires the use of an implant, only the hospital or ambulatory surgery center
11 where the procedure is to be performed shall order and purchase the implant based
12 on the specifications of the surgeon.

13 (2)(a) The hospital or ambulatory surgery center shall submit to the payor
14 the original manufacturer's invoice detailing the amount paid by the hospital or
15 ambulatory surgery center for the implant. If the implant requested by the surgeon
16 is available only through a distributor authorized by the manufacturer and the
17 hospital or ambulatory surgery center is unable to purchase the implant directly from
18 a manufacturer then the hospital or ambulatory surgery center shall instead submit
19 to the payor the distributor's invoice detailing the amount paid by the hospital or
20 ambulatory surgery center.

1 (b) Reimbursement for the implant shall be the total of the original
2 manufacturer's invoice or the authorized distributor's invoice amount paid by the
3 hospital or ambulatory surgical center plus twenty percent.

4 (3) For the purposes of this Subsection, "implant" means plastic and metallic
5 implants or non-autogenous graft materials.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 512 Engrossed

2021 Regular Session

Frieman

Abstract: Provides relative to reimbursement for implants.

Proposed law provides that when an injured worker requires and is entitled to a surgical procedure that requires the use of an implant, only the hospital or ambulatory surgery center where the procedure is to be performed shall order and purchase the implant based on the surgeon's specifications.

Proposed law provides that the hospital or ambulatory surgery center shall submit to the payor the original manufacturer's invoice detailing the amount paid by the hospital or ambulatory surgery center for the implant.

Proposed law provides that if the implant requested by the surgeon is available only through a distributor authorized by the manufacturer and the hospital or ambulatory surgery center is unable to purchase the implant directly from a manufacturer then the hospital or ambulatory surgery center shall instead submit to the payor the original manufacturer's invoice or authorized distributor's invoice detailing the amount paid by the hospital or ambulatory surgery center.

Proposed law provides that the reimbursement for the implant shall be the total of the distributor's original invoice amount paid by the hospital or ambulatory surgical center plus 20%.

Proposed law provides that for the purposes of proposed law, implant means plastic and metallic implants or non-autogenous graft materials.

(Adds R.S. 23:1034.2(G))

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Delete that the reimbursement for the implant shall be the total of the manufacturer's original invoice amount plus 20%.

3. Change references to "authorized distributor" to "distributor authorized by the manufacturer."
4. Add that the original manufacturer's invoice and the authorized distributor's invoice detailing the amount paid for the implants by the hospital or ambulatory surgery center be submitted to the payor.
5. Require the submission of the distributor's invoice instead of the distributor's original invoice.
6. Add a definition for implant, which means plastic and metallic implants or non-autogenous graft materials.
7. Delete the requirement that the hospital or ambulatory surgery center act as a prudent buyer.