

2022 Regular Session

HOUSE BILL NO. 94

BY REPRESENTATIVE FRIEMAN

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.
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## 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)]

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HB 94 Original

2022 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))