

2022 Regular Session

HOUSE BILL NO. 176

BY REPRESENTATIVE FRIEMAN

WORKERS COMPENSATION: Provides relative to medical examinations

1 AN ACT

2 To amend and reenact R.S. 23:1123 and 1317.1(A), (B), and (C)(3), relative to workers'
3 compensation; to provide relative to disputes regarding injury or disability; to
4 provide for requests for medical examinations; to provide for physician selection for
5 additional medical examinations; to provide for pretrial mediation conferences; to
6 provide for criteria for medical examination reports; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 23:1123 and 1317.1(A), (B), and (C)(3) are hereby amended and
10 reenacted to read as follows:

11 §1123. Disputes as to condition or capacity to work; additional medical opinion
12 regarding an examination under supervision of the secretary

13 A. If any dispute arises as to the condition of the employee, ~~or the~~
14 employee's capacity to work, or whether the alleged injury or disability was caused
15 by the alleged work-related accident, the assistant secretary, upon application of any
16 party, shall order an additional medical opinion regarding an examination of the
17 employee to be made by a medical practitioner selected and appointed by the
18 assistant secretary. The medical examiner shall report his conclusions from the
19 examination to the assistant secretary and to the parties and such report shall be

1 prima facie evidence of the facts therein stated in any subsequent proceedings under
2 this Chapter.

3 B. If both parties agree on the choice of the physician to conduct the
4 additional medical examination, the parties may present the choice to the assistant
5 secretary and that physician shall be selected to conduct the examination.

6 * * *

7 §1317.1. Additional medical opinion regarding medical examinations

8 A. Any party wishing to request an additional medical opinion regarding a
9 medical examination of the claimant pursuant to R.S. 23:1123 and 1124.1 shall be
10 required to make its request ~~at or~~ prior to the pretrial mediation conference.
11 ~~Requests~~ Any request for an additional medical ~~opinions~~ opinion regarding a medical
12 ~~examinations~~ examination made after that time shall be denied except for good cause
13 or if it is found to be in the best interest of justice to order such examination.

14 B. An examiner performing an additional medical opinion ~~exams~~
15 examination pursuant to R.S. 23:1123 shall be required to prepare and send to the
16 office a certified report of the examination within thirty days after its occurrence.

17 C. The report of the examination shall contain the following, when
18 applicable:

19 * * *

20 (3) The medical treatment and physical rehabilitative procedures which have
21 already been rendered ~~and the treatment, if any, which the examiner recommends for~~
22 ~~the future, together with reasons for the recommendation.~~

23 * * *

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 176 Original

2022 Regular Session

Frieman

Abstract: Provides relative to medical examinations in workers' compensation claims.

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

Proposed law provides that if any dispute arises as to the condition of the employee, the employee's capacity to work, or whether the alleged injury or disability was caused by the alleged work-related accident, the assistant secretary, upon application of any party, shall order an additional medical opinion.

Present law provides that a medical practitioner selected and appointed by the assistant secretary shall provide the additional medical opinion. Present law further provides that the medical examiner shall report his conclusions from the examination to the assistant secretary and to the parties, and such report shall be prima facie evidence of the facts for any subsequent proceedings.

Proposed law retains present law.

Proposed law provides that if both parties agree on the choice of the physician to conduct the additional medical examination, the parties may present the choice to the assistant secretary and that physician shall be selected to conduct the examination.

Present law provides that any party wishing to request an additional medical opinion regarding a medical examination of the claimant shall be required to make its request at or prior to the pretrial conference.

Proposed law changes present law by providing that any party wishing to request an additional medical opinion regarding a medical examination of the claimant shall make such a request prior to the pretrial mediation conference.

Present law lists the required information for the medical examination report.

Present law requires that the report of the medical examination contain the medical treatment and physical rehabilitative procedures which have already been rendered and the treatment, if any, that the examiner recommends for the future, together with reasons for the recommendation.

Proposed law deletes the requirement that the report provide any future treatment the medical examiner recommends with reasons.

(Amends R.S. 23:1123 and 1317.1(A), (B), and (C)(3))