

2022 Regular Session

SENATE BILL NO. 421

BY SENATOR LUNEAU

WORKERS' COMPENSATION. Provides the billing and collections procedure for surgical implants. (8/1/22)

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AN ACT

To enact R.S. 23:1034.2(G), relative to workers' compensation; to provide the reimbursement procedure for surgical implants; to define certain terms; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§1034.2. Reimbursement schedule

* * *

G.(1) Surgical implants are provided for injured workers in surgical cases from original manufacturers, stocking distributors, authorized distributors, group distributors, and independent distributors permitted to operate within the state of Louisiana. The place of service for these implants is typically in an in-office operatory within the provider's or provider group's practice, ambulatory surgery center, or hospital. Plastic, metallic, ceramic, or other implantable devices or nonautogenous graft materials ordered and purchased by a provider, provider's practice, hospital, or ambulatory surgery center shall be reimbursed at the bill price plus twenty percent.

1 (2) The bill price shall be generated by the provider, provider's practice,
2 distributor, manufacturer, hospital, or ambulatory surgery center and sent
3 directly to the workers' compensation carrier.

4 (3) The bill price must be submitted with the cost of the material from
5 the original manufacturer or the authorized distributor, as outlined in this
6 Subsection, to the carrier to pay the claim pursuant to R.S. 23:1201.

7 (4) "Bill price" means the cost of the material from the original
8 manufacturer or the authorized distributor's stated list price as of the date of
9 the procedure, irrespective of group purchasing, negotiated discounts, and
10 rebates. This cost and relationship amongst providers, practices, hospitals,
11 surgery centers, distributorships, and manufacturers is proprietary and
12 confidential to all parties.

13 (a) The bill price is the final price that the carrier is responsible to pay
14 on the claim pursuant to R.S. 23:1201.

15 (b) The bill price cannot be subject to further scrutiny, subpoena, or
16 delay tactics from the carrier, and a third party reprocessor or repricing
17 company shall not be used to underpay, untimely pay, or negotiate the rates of
18 that bill price or offer anything other than the carrier's payment of the claims
19 listed on the bill price plus twenty percent pursuant to R.S. 23:1201.

20 (5) This Subsection is clarification language as it pertains to the billing
21 and remittance of surgical implants with carriers pursuant to R.S. 23:1201. Any
22 existing claims of surgical implants, claims in queue or remittance, or
23 collections process shall be treated the same under this rule. All parties retain
24 any and all rights to controvert the claim pursuant to R.S. 23:1201.1.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Yoursheka Butler.

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 can order and purchase the implant based on the surgeon's specifications.

Proposed law provides the reimbursement procedure for surgical implants.

Proposed law defines the term "bill price".

Effective August 1, 2022.

(Adds 23:1034.2(G))