## SLS 22RS-556

## **ORIGINAL**

2022 Regular Session

## SENATE CONCURRENT RESOLUTION NO. 21

BY SENATOR LUNEAU

WORKERS' COMPENSATION. Amends provisions of the Administrative Code relative to the medical reimbursement schedule and surgery guidelines.

1	A CONCURRENT RESOLUTION
2	To amend the Medical Reimbursement Schedule (LAC 40:I.5115) that provides relative to
3	surgery guidelines; to provide relative to implants and graft materials; provides
4	directions relative to physician reimbursement and invoicing; to provide definitions;
5	and to direct the office of the state register to print the amendment in the Louisiana
6	Administrative Code.
7	WHEREAS, R.S. 23:1201 provides the time and place for payment of medical
8	benefits; and
9	WHEREAS, LAC 40:I.5115(15) provides for physician reimbursement for certain
10	materials supplied by the physician; and
11	WHEREAS, surgical implants are provided for injured workers in surgical cases
12	from original manufacturers, stocking distributors, authorized distributors, group distributors
13	and independent distributors permitted to operate within the state of Louisiana; and
14	WHEREAS, the administration of proper healthcare protects the public and promotes
15	healthier habits.
16	THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC
17	40:I.5115(15) is hereby amended to read as follows:
18	§5115. Surgery Guidelines

1	A. General Guidelines
2	* * *
3	15. * * *
4	a. Surgical implants are provided for injured workers in surgical cases
5	from original manufacturers, stocking distributors, authorized distributors,
6	group distributors, and independent distributors permitted to operate within
7	the state of Louisiana. The place of service for these implants is typically an in-
8	office operatory within the provider or provider groups practice, ambulatory
9	surgery center, or hospital. Plastic, metallic, ceramic, or other implantable
10	devices or non-autogenous graft materials ordered and purchased by a
11	provider, provider's practice, hospital, or ambulatory surgery center shall be
12	reimbursed at the bill price plus twenty percent. That bill price shall be
13	generated by the provider, provider's practice, distributor, manufacturer,
14	hospital, or ambulatory surgery center and sent directly to the workers'
15	compensation carrier. The bill price must be submitted with the cost of the
16	material, either from the original manufacturer or the authorized distributor
17	to the carrier to pay the claim pursuant to R.S. 23:1201.
18	b. "Bill price" means the cost of the material from the original
19	manufacturer or the authorized distributor's stated list price as of the date of
20	the procedure, irrespective of group purchasing, negotiated discounts, and
21	rebates. This cost and relationship amongst providers, practices, hospitals,
22	surgery centers, distributorships, and manufacturers is proprietary and
23	confidential to all parties. The bill price is the final price that the carrier is
24	responsible to pay for the claim pursuant to R.S. 23:1201. The bill price cannot
25	be subject to further scrutiny, subpoena, or delay tactics from the carrier, nor
26	can a third party reprocessor or repricing company be used to underpay,
27	untimely pay, or negotiate the rates of that bill price or offer anything other
28	than the carrier's payment of the claims listed on the bill price plus twenty
29	percent pursuant to R.S. 23:1201. This is clarification language as it pertains to
30	the billing and remittance of surgical implants with carriers pursuant to R.S.

1	23:1201. Any existing claims of surgical implants, claims in queue or remittance,
2	or collections process will be treated the same under this rule. All parties retain
3	any and all rights to controvert the claim pursuant to R.S. 23:1201.1.
4	* * *
5	BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
6	office of the state register and the secretary of the Louisiana Workforce Commission.
7	BE IT FURTHER RESOLVED that the office of the state register is hereby directed
8	to have the amendments to LAC 40:I.5115(15) printed and incorporated into the Louisiana
9	Administrative Code.

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

SCR 21 Original

DIGEST 2022 Regular Session

Luneau

Provides a procedure for physician reimbursement.

Directs the transmission of copies of this Resolution to the office of the La. Register and the secretary of the La. Workforce Commission.

Directs the La. Register to print the amendments in the La. Administrative Code.