

2024 Regular Session

HOUSE BILL NO. 863

BY REPRESENTATIVE ECHOLS

WORKERS COMPENSATION: Provides for adoption of a medical fee reimbursement schedule for workers' compensation

1 AN ACT

2 To amend and reenact R.S. 23:1034.2(A) and (C)(1), (2), and (3), relative to workers'
3 compensation; to provide for the adoption of a medical reimbursement schedule; to
4 require that the fees be based on certain Medicare rates; to repeal the authority of the
5 assistant secretary of the office of workers' compensation to collect certain
6 information; to provide for the authority of the assistant secretary to promulgate the
7 medical reimbursement schedule; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 23:1034.2(A) and (C)(1), (2), and (3) are hereby amended and
10 reenacted to read as follows:

11 §1034.2. Reimbursement schedule

12 A. The assistant secretary of the office of workers' compensation
13 administration shall establish and promulgate a reimbursement schedule for drugs,
14 supplies, hospital care and services, medical and surgical treatment, and any
15 nonmedical treatment recognized by the laws of this state as legal and due ~~under the~~
16 ~~Workers' Compensation Act pursuant to this Chapter~~ and applicable to any person
17 or corporation who renders such care, services, or treatment or provides such drugs
18 or supplies to any person covered by this Chapter ~~10 of Title 23 of the Louisiana~~
19 ~~Revised Statutes of 1950.~~

20 * * *

1 C.(1) The reimbursement schedule shall include ~~charges limited to the mean~~
2 ~~of the usual and customary charges for such care, services, treatment, drugs, and~~
3 ~~supplies~~ fees based on a foundation of Medicare with variable service aid
4 reimbursement levels that shall be reasonable when compared to the workers'
5 compensation reimbursement schedule of states that surround and have similar
6 characteristics to this state and the reimbursement of private health claims. Any
7 necessary adjustments to the reimbursement schedule adopted and established in
8 accordance with the provisions of this Section ~~may~~ shall be made annually and
9 supported by data and information provided in Paragraph (2) of this Subsection. The
10 assistant secretary shall promulgate the initial reimbursement schedule, which shall
11 be effective on January 1, 2026.

12 (2) The assistant secretary shall contract, on or before January 1, 2025, with
13 a nationally recognized neutral, independent consultant having experience in
14 supporting the development and maintenance of workers' compensation fee
15 schedules and the ability to provide data and analysis to inform regulatory decisions.
16 ~~have the authority to collect the information and data necessary to calculate the~~
17 ~~reimbursement schedule. The collection of information and data shall be governed~~
18 ~~by the following guidelines:~~

19 (a) ~~The assistant secretary shall create a written survey detailing the~~
20 ~~information requested.~~

21 (b) ~~The survey shall be managed by the office of workers' compensation~~
22 ~~administration in conjunction with an academic institution.~~

23 (c) ~~The information requested shall be based upon data at least six months~~
24 ~~old.~~

25 (d) ~~There shall be a minimum of thirty health care providers reporting data~~
26 ~~upon which each disseminated statistic is based.~~

27 (e) ~~No individual health care provider's data shall represent more than~~
28 ~~twenty-five percent on a weighted basis of each statistic.~~

1 ~~(f) Any information disseminated shall be sufficiently aggregated such that~~
 2 ~~it will not allow recipients to identify the prices charged or compensation paid by any~~
 3 ~~particular health care provider.~~

4 (3) All information collected or relied upon pursuant to Paragraph (2) of this
 5 Subsection shall be confidential and privileged, shall not be public record, and shall
 6 not be subject to subpoena. ~~Such confidentiality shall be strictly maintained by the~~
 7 ~~assistant secretary, all employees of the office, and by the academic institution and~~
 8 ~~shall be used exclusively for the purpose of promulgating the workers' compensation~~
 9 ~~reimbursement schedule.~~ Whoever violates this Paragraph shall be guilty of a
 10 misdemeanor and fined not more than five hundred dollars for each offense.

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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)]

HB 863 Original

2024 Regular Session

Echols

Abstract: Provides for the adoption of a medical fee reimbursement schedule for workers' compensation claims.

Present law provides that the assistant secretary of the office of workers' compensation administration (assistant secretary) shall establish and promulgate a reimbursement schedule for drugs, supplies, and certain care, services, and treatments that are lawfully recognized in this state and which are applicable to any person or corporation that renders these drugs, supplies, care, services, or treatments.

Proposed law retains present law.

Present law provides that the reimbursement schedule shall include charges limited to the mean of the usual and customary charges for such care, services, treatment, drugs, and supplies. Present law further provides that any necessary adjustments to the reimbursement schedule may be made annually.

Proposed law instead requires that the reimbursement schedule include fees based on a foundation of Medicare with variable service aid reimbursement levels that shall be reasonable when compared to the workers' compensation reimbursement schedule of states that surround and have similar characteristics to this state and the reimbursement of private health claims. Proposed law also requires that any necessary adjustments to the reimbursement schedule shall be made annually and supported by data and information provided for in present law and proposed law.

Proposed law requires the assistant secretary to promulgate the initial reimbursement schedule, which shall be effective on Jan. 1, 2026.

Present law provides that the assistant secretary shall have the authority to collect the information and data necessary to calculate the reimbursement schedule. Present law further provides the guidelines for collecting the required information and data.

Proposed law repeals provisions of present law relative to the collection of the information and data necessary to calculate the reimbursement schedule. Proposed law instead requires the assistant secretary to contract, on or before Jan. 1, 2025, with a nationally recognized neutral, independent consultant having experience in supporting the development and maintenance of workers' compensation fee schedules and the ability to provide data and analysis to inform regulatory decisions.

Present law requires that all the collected information be considered confidential and privileged and prohibits such information from being subject to public record and subpoena. Present law further requires the assistant secretary, all employees of the office of workers' compensation, and the collaborating academic institution to strictly maintain such confidentiality and exclusive use of the collected information for the purpose of promulgating the workers' compensation reimbursement schedule.

Proposed law repeals the confidentiality and exclusivity requirements of the aforementioned individuals. Proposed law otherwise retains present law.

(Amends R.S. 23:1034.2(A) and (C)(1), (2), and (3))