

2024 Regular Session

HOUSE BILL NO. 870

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) and to enact R.S.  
3 23:1034.2(F)(3), relative to workers' compensation; to provide for the adoption of  
4 a medical reimbursement schedule; to provide for the calculation of a medical  
5 reimbursement schedule; to repeal the authority of the assistant secretary of the  
6 office of workers' compensation to collect certain information; and to provide for  
7 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 and R.S. 23:1034(F)(3) is hereby enacted 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 Louisiana Workers' Compensation Act Law, R.S. 23:1020.1, et. seq., and applicable  
17 to any person or corporation who renders such care, services, or treatment or  
18 provides such drugs or supplies to any person covered by Chapter 10 of Title 23 of  
19 the Louisiana 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. Any necessary adjustments to the reimbursement schedule adopted and~~  
4 ~~established in accordance with the provisions of this Section may be made annually~~  
5 the amount that would be due under Medicare times a multiplier of one and one-half,  
6 or the actual charge made for service, whichever is less.

7 (2) ~~The assistant secretary shall have the authority to collect the information~~  
8 ~~and data necessary to calculate the reimbursement schedule. The collection of~~  
9 ~~information and data shall be governed by the following guidelines: If there is no~~  
10 Medicare fee schedule reimbursement amount for a particular care, service,  
11 treatment, drug, or supply, the reimbursement amount shall be one hundred sixty-two  
12 percent, if such reimbursement is reasonable and in accordance with the legislative  
13 intent expressed in R.S. 23:1020.1. The burden of proof shall be on the party  
14 seeking reimbursement to prove that the amount is reasonable, and the payor shall  
15 be entitled to reasonable discovery concerning payments accepted by the provider  
16 for similar services.

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

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

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

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

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

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

1           (3) ~~All information collected pursuant to this Subsection shall be confidential~~  
2           ~~and privileged, shall not be public record, and shall not be subject to subpoena. Such~~  
3           ~~confidentiality shall be strictly maintained by the assistant secretary, all employees~~  
4           ~~of the office, and by the academic institution and shall be used exclusively for the~~  
5           ~~purpose of promulgating the workers' compensation reimbursement schedule.~~  
6           ~~Whoever violates this Paragraph shall be guilty of a misdemeanor and fined not more~~  
7           ~~than five hundred dollars for each offense~~ Notwithstanding Paragraph (2) of this  
8           Subsection, if there is no Medicare fee schedule reimbursement amount for a  
9           particular care, service, treatment, drug, or supply, the assistant secretary may adopt,  
10           in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., rules and  
11           regulations establishing the amount of reimbursement.

\* \* \*

F.

\* \* \*

15           (3) Notwithstanding any other provision of law to the contrary, in a dispute  
16           between a healthcare provider and a payor concerning the proper amount payable  
17           pursuant to the reimbursement schedule, any judgment on the merits of such dispute  
18           shall include an award of reasonable attorney fees to the prevailing party based on  
19           the actual attorney fees incurred by the prevailing party.

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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 870 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 means 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 repeals present law and instead clarifies that the reimbursement schedule shall include charges limited to the amount that would be due under Medicare times a multiplier of one and one-half, or the actual charge made for the service, whichever is less.

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 present law.

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 academic institution to strictly maintain such confidentiality and exclusively use the collected information for the purpose of promulgating the workers' compensation reimbursement schedule.

Proposed law repeals present law.

Proposed law provides that if there is no Medicare fee schedule reimbursement amount for a particular care, service, treatment, drug, or supply, the reimbursement amount shall be 162%, if such reimbursement is reasonable and in accordance with the legislative intent expressed in present law (R.S. 23:1020.1).

Proposed law provides that the burden of proof shall be on the party seeking reimbursement to prove that the amount is reasonable, and the payor shall be entitled to reasonable discovery concerning payments accepted by the provider for similar services.

Proposed law allows the assistant secretary to adopt, in accordance with requisite administrative procedural laws, rules and regulations establishing the reimbursement amount, in the absence of a Medicare fee schedule reimbursement amount for a particular care, service, treatment, drug, or supply.

Proposed law provides that in a dispute between a healthcare provider and a payor concerning the proper amount payable according to the reimbursement schedule, any judgment on the merits of such dispute shall include an award of reasonable attorney fees to the prevailing party based on the actual attorney fees incurred by the prevailing party.

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