

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) and (2) and to enact R.S.
3 23:1034.2(C)(5), relative to workers' compensation; to provide for the adoption of
4 a medical reimbursement schedule; to require that the fees be based on other similar
5 regional states; to provide for the authority of the assistant secretary to promulgate
6 the medical reimbursement schedule; to require certain duties of the assistant
7 secretary; to provide for the collection of any necessary information and data under
8 certain circumstances; to provide for legislative oversight; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 23:1034.2(A) and (C)(1) and (2) are hereby amended and reenacted
12 and R.S. 23:1034.2(C)(5) is hereby enacted to read as follows:

13 §1034.2. Reimbursement schedule

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

1 or supplies to any person covered by this Chapter ~~10 of Title 23 of the Louisiana~~
2 ~~Revised Statutes of 1950.~~

3 * * *

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

13 (2) The assistant secretary shall ~~have the authority to collect the information~~
14 ~~and data necessary to calculate the reimbursement schedule.~~ do all of the following:

15 (a) Examine potential administrative and procedural relief for healthcare
16 providers to ensure expedited care and payment.

17 (b) Examine potential processes for paperwork reductions for healthcare
18 providers.

19 (c) Examine potential processes to expand medical markets for more access
20 to patient care.

21 (d) Include and consider any and all additional external stakeholders and
22 partners in calculating the reimbursement schedule.

23 (e) Collect information and data necessary to calculate the reimbursement
24 schedule. The collection of information and data shall be governed by the following
25 guidelines:

26 (a)(i) The assistant secretary shall create a written survey detailing the
27 information requested.

28 (b)(ii) The survey shall be managed by the office of workers' compensation
29 administration in conjunction with an academic institution.

1 ~~(e)~~(iii) The information requested shall be based upon data at least six
2 months old.

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

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

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

10 * * *

11 (5) The office of workers' compensation administration shall report quarterly
12 to the House and Senate committees on labor and industrial relations regarding the
13 rate study and process and the committees shall have legislative oversight over the
14 process.

15 * * *

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 Reengrossed 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 shall be reasonable when compared to the workers' compensation reimbursement schedule of states that surround and have similar characteristics of surrounding states. 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 retains present law.

Proposed law requires the assistant secretary to do all of the following:

- (1) Examine potential administrative and procedural relief for healthcare providers to ensure expedited care and payment.
- (2) Examine potential processes for paperwork reductions for healthcare providers.
- (3) Examine potential processes to expand medical markets for more access to patient care.
- (4) Include and consider any and all additional external stakeholders and partners in calculating the reimbursement schedule.
- (5) Collect information and data necessary to calculate the reimbursement schedule.

Proposed law requires the office of workers' compensation to report quarterly to the House and Senate committees on labor and industrial relations regarding the rate study and process and requires the committees to have legislative oversight over the process.

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 retains present law.

(Amends R.S. 23:1034.2(A) and (C)(1) and (2); Adds R.S. 23:1034.2(C)(5))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill:

1. Provide for the calculation and promulgation of the medical reimbursement schedule.
2. Provide duties of the assistant secretary of the office of workers' compensation.
3. Provide for legislative reporting and oversight.
4. Restore provisions of present law that provides for the collection of information and data necessary for the calculation of the reimbursement schedule.
5. Make technical and title corrections.

The House Floor Amendments to the engrossed bill:

1. Restore provision of present law (R.S. 23:1034.2(C)(3)) concerning the consideration of certain collected information as being confidential and privileged.
2. Make technical and title changes.