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**HOUSE COMMITTEE AMENDMENTS**

2024 Regular Session

Amendments proposed by House Committee on Labor and Industrial Relations to Original House Bill No. 703 by Representative Melerine

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1 AMENDMENT NO. 1

2 On page 2, delete lines 1 through 9 in their entirety and insert the following:

3 ~~"medical benefits remain unpaid or such consent is withheld;~~ together with  
4 reasonable attorney fees for each disputed claim, ~~however, the fifty dollars per~~  
5 ~~calendar day penalty shall not exceed a maximum of two thousand dollars in the~~  
6 ~~aggregate for any claim.~~ The maximum amount of penalties which may be imposed  
7 at a hearing on the merits regardless of the number of penalties which ~~might~~ may be  
8 imposed under this Section is eight thousand dollars. Attorney fees awarded pursuant  
9 to this Section shall be based on a sworn affidavit from the attorney with time  
10 records detailing the work performed, the date on which it was performed, and the  
11 time spent on each activity to the tenth of an hour, and shall be credited against any  
12 fees due pursuant to R.S."

13 AMENDMENT NO. 2

14 On page 3, at the beginning of line 1, after "(2)" and before "This" insert "(a)"

15 AMENDMENT NO. 3

16 On page 3, between lines 3 and 4, add the following:

17 "(b) For purposes of this Section, "reasonably controverted" means that the  
18 employer or the employer's representative acted in good faith and articulated an  
19 objective reason for denying the claim, even though the facts or law may be disputed  
20 and benefits are ultimately found to be owed. The burden of proof shall be on the  
21 party seeking attorney fees to prove by clear and convincing evidence that the claim  
22 is not reasonably controverted."

23 AMENDMENT NO. 4

24 On page 3, line 8, after "days" and before the period "." insert the following:

25 "in the absence of clear and convincing evidence that the employer or insurer  
26 acted arbitrarily"

27 AMENDMENT NO. 5

28 On page 3, between lines 8 and 9, insert the following:

29 "(4) This Subsection shall not apply if the employer corrects any failure to  
30 provide payment or any failure to consent to the employee's request to select a  
31 treating physician or change physicians, and consents to treatment or issues proper  
32 payment, together with any interest owed thereon, prior to being notified of the  
33 failure by the employee, a healthcare provider, or his representative."

34 AMENDMENT NO. 6

35 On page 4, line 3, delete "regular"

36 AMENDMENT NO. 7

37 On page 4, line 4, before "certified" delete "or"

1 AMENDMENT NO. 8

2 On page 4, line 9, delete "regular or"

3 AMENDMENT NO. 9

4 On page 4, line 15, delete "regular or"

5 AMENDMENT NO. 10

6 On page 4, line 23, delete "regular or"

7 AMENDMENT NO. 11

8 On page 4, line 29, delete "regular or"

9 AMENDMENT NO. 12

10 On page 5, line 2, delete "regular or"

11 AMENDMENT NO. 13

12 On page 5, line 18, change "of" to "or"

13 AMENDMENT NO. 14

14 On page 7, delete line 1 in its entirety and insert in lieu thereof the following:

15 "request for a preliminary determination hearing pursuant to this Section.

16 Failure to file"