

2024 Regular Session

HOUSE BILL NO. 556

BY REPRESENTATIVE GLORIOSO

WORKERS COMPENSATION: Provides relative to an injury producing the permanent total disability of an employee

1 AN ACT

2 To enact R.S. 23:1020.1(B)(4) and 1221(2)(f) through (i), relative to workers' compensation;
3 to provide for legislative intent; to provide for permanent total disability; to provide
4 for the calculation and determination of the average weekly wage; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1020.1(B)(4) and 1221(2)(f) through (i) are hereby enacted to read
8 as follows:

9 §1020.1. Citation, purpose; legislative intent; construction

10 * * *

11 B. Purpose. The legislature declares that the purpose of this Chapter is all
12 of the following:

13 * * *

14 (4) To counteract inflation by providing a cost-of-living adjustment for
15 permanent total disability benefits to all injured workers who suffer an injury or
16 disease arising out of and in the course and scope of their employment as is provided
17 in this Chapter.

18 * * *

total disability payments continue or are expected to continue for six months from the date of injury.

Proposed law provides that adjustments in weekly benefit rates shall apply only to those injuries that result in permanent total disability for the injured employee. Proposed law further provides that the adjustments shall not be retroactive from the anniversary date, unless an employee entitled to the adjustment did not receive the amount due because of a mistake, misfortune, or lack of knowledge.

(Adds R.S. 23:1020.1(B)(4) and 1221(2)(f)-(i))

Summary of Amendments Adopted by House

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

1. Remove the definition of consumer price index and cost-of-living adjustment from the bill.
2. Change the calculated percentage of the injured employee's average weekly wage at the time of injury from not exceeding 66 2/3% to not exceeding 100%.
3. Revise provisions of proposed law regarding the calculation of the percentage of an injured employee's average weekly wage.
4. Revise provisions of proposed law regarding the calculation of the adjusted average weekly wage of an injured employee.
5. Change the month from August to September for when an injured employee receives an adjustment in their weekly compensation rate.
6. Clarify that the adjustment in weekly benefits is only for injuries that result in permanent total disability.
7. Make technical changes.