

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. 23:1221(2)(f), relative to workers' compensation; to provide for an annual
3 cost-of-living adjustment for permanent total disability benefits; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:1221(2)(f) is hereby enacted to read as follows:

7 §1221. Temporary total disability; permanent total disability; adjusted permanent
8 total disability benefits; supplemental earnings benefits; permanent partial
9 disability; schedule of payments

10 * * *

11 (2) Permanent total.

12 * * *

13 (f)(i) For purposes of Subparagraph (a) of this Paragraph, for any
14 compensable injury occurring on or after August 1, 2024, where an employee has
15 received permanent total disability benefits in accordance with this Paragraph for a
16 period greater than three consecutive years, the injured employee shall be entitled to
17 an annual adjustment in the weekly compensation benefit rate for permanent total
18 benefits equal to the percentage by which the maximum weekly compensation rate
19 calculated pursuant to R.S. 23:1202 increases. Such rate shall not be less than zero
20 percent and shall not exceed a maximum annual increase of five percent.

- 1 (ii) The adjusted weekly benefits in accordance with this Paragraph shall not
 2 exceed the maximum weekly rate as updated in accordance with R.S. 23:1202.
- 3 (iii) The assistant secretary shall, in addition to the publication of the
 4 maximum and minimum weekly compensation rates, publish the percentage amount
 5 of any increase or decrease of the weekly compensation benefit rate pursuant to this
 6 Paragraph no later than September first of each year.
- 7 (iv) Lump sum settlements provided for in R.S. 23:1274 shall be determined
 8 based on the compensation rate in effect on the date the settlement is filed with the
 9 assistant secretary. The amounts payable as compensation due to the employee or
 10 his dependents shall not include any potential future annual adjustments pursuant to
 11 this Paragraph.

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 556 Reengrossed

2024 Regular Session

Glorioso

Abstract: Provides for the calculation and determination of an annual cost-of-living adjustment for permanent total disability benefits.

Proposed law provides that for any compensable injury occurring on or after Aug. 1, 2024, where an employee has received permanent total disability benefits for a period greater than three consecutive years, the injured employee shall be entitled to an annual adjustment in the weekly compensation benefit rate for permanent total benefits.

Proposed law provides that the weekly compensation benefit rate shall be equal to the percentage by which the maximum weekly compensation rate calculated pursuant to present law (R.S. 23:1202) increases. Proposed law further provides that the rate shall not be less than zero percent and not exceed a maximum annual increase of 5%.

Proposed law provides that the adjusted weekly benefits shall not exceed the maximum weekly rate as updated and provided for in present law (R.S. 23:1202).

Proposed law requires the assistant secretary to publish the percentage amount of any increase or decrease of the weekly compensation benefit rate no later than Sept. 1st of each year.

Proposed law provides that the lump sum settlements provided for in present law (R.S. 23:1274) shall be determined based on the compensation rate in effect on the date the settlement is filed with the assistant secretary. Proposed law further provides that the amounts payable as compensation due to the employee or his dependents shall not include any potential future annual adjustments.

(Adds R.S. 23:1221(2)(f))

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.

The House Floor Amendments to the engrossed bill:

1. Provide for the calculation and determination of an annual cost-of-living adjustment for permanent total disability benefits.
2. Make technical changes.