

RÉSUMÉ DIGEST

ACT 766 (SB 408)

2026 Regular Session

Myers

Prior law required the assistant secretary of the office of workers' compensation administration to create a reimbursement schedule that sets the maximum amount that can be paid to doctors, hospitals, pharmacies, or providers for prescription drugs, medical supplies, hospital care and services, and medical and surgical treatments provided to injured workers.

Prior law provided that the schedule will include charges which reflect the mean of the usual and customary charge for medical care, services, treatment, drugs and supplies.

New law repeals prior law.

New law requires reimbursement for implants to be the total of the original manufacturer's invoice or the authorized distributor's invoice amount paid plus 20%.

New law defines "database", "medical claim", "payor" and "electronic claim" for purposes of new law.

Prior law provided that the assistant secretary will collect the information and data necessary to calculate the reimbursement schedule. Prior law further provided that the information and data will be governed by the following guidelines:

- (1) The assistant secretary will create a written survey detailing the information requested.
- (2) The survey will be managed by the office of workers' compensation administration in conjunction with an academic institution.
- (3) The information requested must be based upon data at least six months old.
- (4) There will be a minimum of 30 healthcare providers reporting data upon which each disseminated statistic is based.
- (5) No individual healthcare provider's data can represent more than 25% on a weighted basis of each statistic.
- (6) Any information disseminated must be sufficiently aggregated such that it will not allow recipients to identify the prices charged or compensation paid by any particular healthcare provider.

New law repeals prior law.

Existing law provides that disputes between healthcare providers and employees, employers, or insurers may be submitted to the office of workers' compensation in the same manner as established for dispute resolution of claims for workers' compensation benefits.

New law retains existing law and adds that if the dispute is regarding billing, payment, explanation of benefits, reconsideration, or the appropriate amount owed for the provision of medical services that have been rendered, the disputing party will submit the dispute for resolution to the office of workers' compensation's administration's medical services section.

New law provides that the nonprevailing party will pay the cost of the review.

New law provides an appeals process.

New law provides that the fee schedule in existing law will remain in effect until the legislature adopts the new fee schedule.

New law provides that a request for authorization for certain medical services is deemed authorized if not denied within five business days.

New law requires the assistant secretary to establish and maintain the "All Workers' Compensation Medical Bill Database" (database).

New law provides that the purpose of the database is to:

- (1) Improve transparency in medical reimbursement trends.
- (2) Assist in enforcement and maintenance of an appropriate fee schedule.
- (3) Evaluate medical utilization patterns and outcomes.
- (4) Detect fraud, waste, and abuse.
- (5) Support policy development, rate analysis, and system oversight.

New law requires all workers' compensation payors to submit medical and pharmacy claims data for all workers' compensation claims arising under Louisiana law to the assistant secretary of the office of workers' compensation administration.

New law provides that the medical and pharmacy data must include:

- (1) Date of injury.
- (2) Employer industry classification.
- (3) Provider specialty and identifier.
- (4) CPT, HCPCS, ICD, and NDC codes as applicable.
- (5) Billed charge and allowed amount.
- (6) Paid amount.
- (7) Service dates.
- (8) Utilization review actions.
- (9) Claim status indicators.

New law requires medical and pharmacy data to be submitted quarterly unless otherwise required by provisions of existing law that establish, promulgate, and update the reimbursement schedule.

New law provides that the information collected and maintained in the database will be confidential and privileged. New law further provides criminal penalties for unauthorized disclosure.

New law allows the assistant secretary to use the data collected for the database for:

- (1) Monitoring compliance with medical fee schedule regulations.
- (2) Studying medical cost drivers and utilization trends.
- (3) Supporting actuarial review and rate analysis.
- (4) Evaluating the effectiveness of medical treatment guidelines.
- (5) Developing, revising, or modernizing the workers' compensation medical fee schedule.
- (6) Reporting annually to the legislature.

New law provides that payors who fail to submit required information to the database or correct submissions rejected because of errors will receive a notice from the assistant

secretary, and an extension of time may be granted for just cause. New law further provides that the assistant secretary may assess a fine of up to \$500 per day for noncompliance.

Existing law provides that the assistant secretary will adopt rules and regulations regarding an electronic system of submission, processing, and payment of workers' compensation-related medical bills.

Existing law provides that insurance carriers will accept medical bills electronically submitted by healthcare providers and electronic payment of such bills, and healthcare providers will accept payment of medical claims submitted electronically by insurance carriers.

New law provides that beginning July 1, 2027, claims for medical services rendered will be submitted to a workers' compensation payor in electronic format.

New law requires the assistant secretary to develop and implement a Workers' Compensation Medical Quality and Outcomes Program designed to measure, evaluate, and improve the quality of effectiveness of medical care provided to injured employees.

Existing law provides a declaration by the legislature that the people should be aware of all of the exceptions, exemptions, and limitations to the public records law and that such exceptions, exemptions, and limitations should be provided only in existing law relative to public records or the Constitution of Louisiana. New law further provides that any exceptions, exemptions, and limitations elsewhere in the law will not have effect. New law further recognizes that there currently exists a number of exceptions, exemptions, and limitations located elsewhere in existing law.

New law retains existing law and adds provisions of new law relative to the medical claims database to the list of public records exceptions.

New law provides for reporting to the legislature.

New law provides that certain provisions of new law are effective upon signature of the governor or lapse of time for gubernatorial action.

New law further provides for effectiveness of other provisions of new law.

(Amends R.S. 23:1021(intro. para.), 1034.2(C), and (F), 1201(E) and (F)(intro. para.) and (F)(2), 1201.1(A), (B), (D), (E), (G) - (I), (J)(2) - (4), (K)(1)(intro. para.) and (K)(2) - (5), 1203(B), 1203.1(J)(1), 1203.2, and R.S. 44:4.1(B)(12); adds R.S. 23:1021(14), and 1200.18.1 - 1200.18.9; repeals R.S. 23:1201(A)(5))