
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)]

Ivey

HB No. 450

Abstract: Provides alternatives for cases in which there exist conflicts with the medical director or cases in which the recommended treatment is not outlined specifically in the medical treatment guidelines.

Present law provides procedure for submitting claims for workers' compensation reimbursement.

Present law (R.S. 23:1203.1(J)) provides that if a dispute arises regarding medical care, the aggrieved party shall file an appeal with the office of workers' compensation administration medical director.

Proposed law retains present law but provides that if a conflict exists between the medical director and any party to the appeal, the office of workers' compensation administration may contract with other medical directors.

Proposed law requires that in the event of a conflict described in proposed law, the alternate medical director(s) shall render a decision within 30 calendar days.

Present law (R.S. 23:1203.1(M)) provides that all medical treatment not covered by the medical treatment schedule shall be in accordance with present law (R.S. 23:1203.1(D)).

Present law (R.S. 23:1203.1(D)) provides that medical treatment guidelines shall be based on the following criteria:

- (1) Rely on specified, comprehensive, and ongoing systematic medical literature review.
- (2) Contain published criteria for rating studies and for determining the overall strength of the medical evidence, including the size of the sample, whether the authors and researchers had any financial interest in the product or service being studied, the design of the study and identification of any bias, and the statistical significance of the study.
- (3) Are current and the most recent version produced, which shall mean that documented evidence can be produced or verified that the guideline was developed, reviewed, or revised within the previous five years.
- (4) Are interdisciplinary and address the frequency, duration, intensity, and appropriateness of treatment procedures and modalities for all disciplines commonly performing treatment of

employment-related injuries and diseases.

(5) Are, by statute or rule, adopted by any other state regarding medical treatment for workers' compensation injuries, diseases, or conditions.

Proposed law retains present law and further provides that in instances in which a treatment is not covered by the medical treatment schedule, the employer is liable to pay when it has been demonstrated by a preponderance of scientific evidence to the medical director, through submission of scientific medical literature that the treatment is appropriate.

(Amends R.S. 23:1203.1(J) and (M))