

Regular Session, 2013

HOUSE BILL NO. 728 (Substitute for House Bill No. 606 by Representative Cromer)

BY REPRESENTATIVE CROMER

WORKERS COMPENSATION: Provides with respect to workers' compensation

1 AN ACT

2 To amend and reenact R.S. 23:1121(B)(1) and (5), 1124, 1201(H), 1208(F), (G), and (H),
3 1226(B)(3), 1310.8(B), 1314(E), and to enact R.S. 23:1021(13) and 1201.1, relative
4 to workers' compensation; to provide with respect to choice of physician; to provide
5 with respect to medical examinations; to provide with respect to the payment of
6 benefits; to provide for hearing procedures; to provide for notice requirements; to
7 provide with respect to the modification, suspension, termination, or controversion
8 of benefits; to provide for procedure; to provide for the payment of benefits for
9 rehabilitation of injured employees; to provide for disputes; and to provide for
10 related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 23:1121(B)(1) and (5), 1124,1201(H), 1208(F), (G), and (H),
13 1226(B)(3), 1310.8(B), and 1314(E) are hereby amended and reenacted and R.S.
14 23:1021(13) and 1201.1 are hereby enacted to read as follows:

15 §1021. Terms defined

16 As used in this Chapter, unless the context clearly indicates otherwise, the
17 following terms shall be given the meaning ascribed to them in this Section:

18 * * *

1 ~~(2)(a) The injured employee or the employee's representative who disagrees~~
2 ~~with any information provided on the notice of payment shall, in writing, notify the~~
3 ~~payor of the basis for disagreement and provide the amounts believed appropriate.~~

4 ~~(b) The payor, within five business days of receipt of the notice of~~
5 ~~disagreement, shall do one of the following:~~

6 ~~(i) Send a revised notice of payment along with a revised payment in~~
7 ~~accordance therewith to the injured employee or the employee's representative.~~

8 ~~(ii) If the payor believes that the amount determined in the original notice~~
9 ~~of payment was correct, then the payor shall file a request for preliminary~~
10 ~~determination, on a form to be promulgated by the office, and shall provide a copy~~
11 ~~to the injured employee or the employee's representative.~~

12 ~~(c) The preliminary determination shall be performed by the director's~~
13 ~~designee, who shall be a workers' compensation judge specifically assigned to handle~~
14 ~~preliminary determinations. Such preliminary determination hearing shall occur~~
15 ~~within fifteen days of the filing of a request.~~

16 ~~(d) The injured employee, the employee's representative, the payor and the~~
17 ~~employer, which includes the direct employer of a statutory employee pursuant to~~
18 ~~R.S. 23:1061, shall participate in a preliminary determination hearing by phone. The~~
19 ~~workers' compensation judge may require any of these parties to produce relevant~~
20 ~~records necessary for the determination of compensation provided for in the notice~~
21 ~~of payment. No later than thirty days from the filing of the request for a preliminary~~
22 ~~determination, the workers' compensation judge shall provide, in writing, a~~
23 ~~recommended amount of compensation.~~

24 ~~(e) The payor shall, within ten calendar days of the mailing of the~~
25 ~~recommendation from the workers' compensation judge, either mail to the injured~~
26 ~~employee or the employee's representative a revised notice of payment with the~~
27 ~~recommended amount if such recommended amount is different from that which was~~
28 ~~previously provided on the initial notice of payment, or notify the injured worker or~~
29 ~~the employee's representative in writing that the payor does not accept the~~

1 ~~recommendation. No disputed claim for compensation regarding the amount of~~
2 ~~compensation due shall be filed until the provisions of this Subsection have been~~
3 ~~exhausted unless such a disputed claim is in regard to a payor's failure to provide a~~
4 ~~notice of payment as required by this Subsection. A payor who provides the~~
5 ~~compensation amounts due as recommended by the workers' compensation judge~~
6 ~~shall not be subject to any penalty and attorney fees regarding such calculation of the~~
7 ~~compensation due and payment provided with the revised notice of payment.~~

8 ~~(f) A payor who provides the compensation amounts due as recommended~~
9 ~~by the workers' compensation judge's preliminary recommendation and who~~
10 ~~disagrees with such preliminary recommendation shall file a disputed claim for~~
11 ~~compensation within fifteen days of mailing the revised notice of payment and~~
12 ~~compensation amount due.~~

13 ~~(3)~~ Within fourteen days after the final payment of compensation has been
14 made, the employer or insurer shall send a notice to the office, in the manner
15 prescribed by the rules of the director, stating:

- 16 (1) The name of the injured employee or any other person to whom
- 17 compensation has been paid, or both.
- 18 (2) The date of injury or death.
- 19 (3) The dates on which compensation has been paid.
- 20 (4) The total amount of compensation paid.
- 21 (5) The fact that final payment has been made.

22 * * *

23 §1201.1. Controversion of compensation and medical benefits

24 A. Upon the first payment of compensation or upon any modification,
25 suspension, termination, or controversion of compensation or medical benefits for
26 any reason, including but not limited to issues of medical causation, compensability
27 of the claim, or issues arising out of R.S. 23:1121, 1124, 1208, and 1226, the
28 employer or payor who has been notified of the claim, shall do all of the following:

1 (1) Prepare a "Notice of Modification, Suspension, Termination, or
2 Controversion of Compensation and/or Medical Benefits".

3 (2) Send the notice of the initial indemnity payment to the injured employee
4 with the first payment of compensation made by the payor after the payor has
5 received notice of the claim from the employer.

6 (3) Send a copy of the notice of the initial payment of indemnity to the office
7 within ten days from the date the original notice was sent to the injured employee or
8 by facsimile to the injured employee's representative.

9 (4) Send the "Notice of Payment, Modification, Suspension, Termination,
10 or Controversion of Compensation and/or Medical Benefits" to the injured employee
11 by certified mail, to the address at which the employee is receiving payments of
12 compensation, on or before the effective date of a modification, suspension,
13 termination, or controversion.

14 (5) Send a copy of the "Notice of Payment, Modification, Suspension,
15 Termination, or Controversion of Compensation and/or Medical Benefits to the
16 office on the same business day as sent to the employee or to his representative.

17 B. The form of the "Notice of Payment, Modification, Suspension,
18 Termination, or Controversion of Compensation and/or Medical Benefits" shall be
19 promulgated by the office.

20 C. The director shall make the notice available upon request by the employee
21 and the employee's representative.

22 D. If the injured employee is represented by an attorney, the notice shall also
23 be provided to the employee's representative by facsimile. Proof that the notice was
24 sent to the employee's representative by facsimile shall be prima facie evidence of
25 compliance with Subsection A of this Section.

26 E. The provisions of this Section shall not apply to questions of medical
27 necessity as provided by R.S. 23:1203.1.

28 F.(1) Any injured employee or his representative who disagrees with any
29 information provided on the notice form sent by the employer or payor, shall notify

1 the employer or payor of the basis for disagreement by returning the form to the
2 employer or payor as provided on the form, or by letter of amicable demand, and
3 provide any amounts of compensation he believes appropriate.

4 (2) No disputed claim shall be filed regarding any such disagreement unless
5 the notice required by this Section has been sent to the employer or payor who
6 initially sent the notice.

7 G.(1) If the employer or the payor provides the benefit that the employee
8 claims is due, including any arrearage, on the returned form or letter of amicable
9 demand within seven business days of receipt of the employee's demand, the
10 employer or payor shall not be subject to any claim for any penalties or attorney fees
11 arising from the disputed payment, modification, suspension, termination, or
12 controversion.

13 (2) If the employer or payor does not provide the benefit that the employee
14 claims is due, the employee may file a disputed claim for benefit provided it is filed
15 within the prescriptive period established under R.S. 23:1209. If the prescription
16 date of the claim occurs within the seven-day waiting period, the employee will be
17 allowed to file a disputed claim without waiting the seven business days as provided
18 in Paragraph (2) of this Subsection. However, the employer or payor shall still be
19 allowed seven business days to provide the benefit that the employee claims is due,
20 and if the employer does provide the benefit, the disputed claim will be moot
21 regarding the issues arising out of the payment, suspension, modification,
22 termination, or controversion of benefits. All other issues alleged in the disputed
23 claim will be unaffected by the payment.

24 H. The employer or the payor who wishes to have a preliminary
25 determination hearing shall request the hearing in his answer to the disputed claim
26 arising from the notice of initial payment or any subsequent modification,
27 suspension, termination, or notice of controversion. In cases where a disputed claim
28 is already pending when an issue arises from a subsequent notice of payment,
29 modification, suspension, termination, or controversion of benefits, such request

1 shall be made in an amended pleading filed within fifteen days of the expiration of
2 the seven-day period set forth in Paragraph (F)(2) of this Section.

3 I.(1) An employer or payor who has not complied with the requirements set
4 forth in Subsection A through E of this Section or has not initially accepted the claim
5 as compensable, subject to further investigation and subsequent controversion shall
6 not be entitled to a preliminary determination. An employer or payor who is not
7 entitled to a preliminary determination or who is so entitled but fails to request a
8 preliminary determination may be subject to penalties and attorney fees pursuant to
9 R.S. 23:1201 at a trial on the merits or hearing held pursuant to Paragraph (K)(8) of
10 this Section.

11 (2) If disputed by the parties, upon a rule to show cause held prior to the
12 preliminary determination or any hearing held pursuant to this Section, the workers'
13 compensation judge shall determine whether the employer is in compliance.

14 J.(1) Upon the filing of the request for a preliminary determination hearing,
15 the workers' compensation judge shall initiate a telephone status conference with the
16 parties to schedule the discovery deadlines and to facilitate the exchange of
17 documents. The scope of the discovery will be limited to the issues raised in the
18 disputed payment, suspension, modification, termination, or controversion of
19 benefits. The preliminary determination hearing shall be a contradictory hearing at
20 which all parties shall have the opportunity to introduce evidence.

21 (2) The testimony of physicians may be introduced by certified records or
22 deposition. The parties may agree to allow uncertified medical records and
23 physician reports to be introduced into evidence. Witnesses may testify at the
24 hearing or, if agreed on by the parties, may offer testimony by introduction of a
25 deposition.

26 (3) The preliminary determination hearing shall be held no later than ninety
27 days from the scheduling conference. However, upon a showing of good cause, one
28 extension of an additional thirty days is permitted upon approval by the workers'

1 compensation judge. The workers' compensation judge shall issue a preliminary
2 determination no later than thirty days after the hearing.

3 (4) Any employer or payor requesting a preliminary determination hearing
4 shall produce all documentation relied on by the employer or payor in calculating,
5 modifying, suspending, terminating, or controverting the employee's benefits. These
6 documents shall be disclosed to the employee or the employee's representative within
7 ten days of the request for the preliminary determination hearing.

8 K.(1) The employer or payor shall, within ten calendar days of the mailing
9 of the determination from the workers' compensation judge, do either of the
10 following:

11 (a) Accept and comply with preliminary determination of the workers'
12 compensation judge regarding the payment, suspension, modification, termination,
13 or controversion of benefits and mail a revised "Notice of Modification, Suspension,
14 Termination, or Controversion of Compensation and/or Medical Benefits" to the
15 injured employee or employee's representative, along with any payment amount
16 determined, and any arrearage due.

17 (b) Notify the injured employee or his representative in writing that the
18 employer or payor does not accept the determination.

19 (2) Any employer or payor who accepts and complies with the workers'
20 compensation judge's determination within ten calendar days, shall not be subject to
21 any penalty or attorney fees arising out of the original notice which was the subject
22 of the preliminary hearing.

23 (3) Any employer or payor who accepts and complies with the workers'
24 compensation judge's determination, but who disagrees with such preliminary
25 determination, shall notify the court within ten days of receipt of the preliminary
26 determination of his desire to proceed to a trial on the merits of the matters that were
27 the subject of the preliminary hearing.

28 (4) Any employer or payor who does not accept the workers' compensation
29 judge's determination or fails to comply with the determination within ten calendar

1 days, may, at the trial on the merits, be subject to penalties and attorney fees
2 pursuant to R.S. 23:1201, arising out of the issues raised in the original notice of
3 payment, modification, suspension, termination, or controversion of benefits, which
4 was the subject of the preliminary hearing.

5 (5) Any injured employee who disagrees with the preliminary determination
6 shall notify the court within ten days of the receipt of such preliminary determination
7 of his desire to proceed to a trial on the merits of the matters that were the subject of
8 the preliminary hearing. If the employer or payor has accepted and complied with
9 the preliminary hearing determination, the employer or payor shall also be entitled
10 to litigate all issues including those issues presented at the preliminary determination
11 hearing.

12 (6) Any employer or payor who accepts and complies with the determination
13 of the workers' compensation judge, and who does not request to proceed to trial on
14 the merits of the matters that were the subject of the preliminary hearing, shall retain
15 the right to further controvert future matters. The workers' compensation judge's
16 determination shall not be considered an order concerning benefits due requiring
17 modification, nor shall the determination be considered res judicata of any matters
18 which were the subject of the preliminary hearing. The acceptance of the
19 preliminary determination by the employer or payor shall not be considered an
20 admission.

21 (7) In matters where the employee has filed a disputed claim and the
22 employer or payor is not entitled to a preliminary determination, the matter shall
23 proceed to trial on the merits.

24 (8)(a) Upon motion of either party, whether or not the employer or payor is
25 entitled to a preliminary determination, the workers' compensation judge's ruling in
26 a hearing shall be conducted as an expedited summary proceeding and shall be
27 considered an order of the court and not requiring a further trial on the merits, if it
28 concerns any of the following matters:

1 (i) The employee has sought choice of physician pursuant to R.S.
2 23:1121(B)(1).

3 (ii) The employee has filed a claim pursuant to R.S. 23:1226(B)(3)(a).

4 (iii) The employer or payor seeks to compel the employee to sign the choice
5 of physician form pursuant to R.S. 23:1121(B)(5).

6 (iv) The employer or payor seeks to compel the employee's submission to
7 a medical examination pursuant to R.S. 23:1124.

8 (v) The employer seeks to require the employee to return form LWC-1025
9 or LWC-1020.

10 (vi) The employee seeks to have a suspension of benefits for failure to
11 comply with R.S. 23:1121(B)(1) lifted.

12 (vii) The employee seeks to have a suspension of benefits for failure to
13 submit to a medical examination lifted.

14 (viii) The employee seeks to have a suspension of benefits for failure to
15 comply with R.S. 23:1208(H) lifted.

16 (ix) The employee seeks to have a reduction in benefits for failure to
17 cooperate with vocational rehabilitation lifted.

18 (b)(i) The workers' compensation judge shall set the expedited summary
19 proceeding hearing date pursuant to R.S. 23:1201.1(K)(8)(a)(iii), (iv), and (v) within
20 three days of receiving the employer's motion for the expedited hearing. The hearing
21 shall be held not less than ten nor more than thirty days after the motion has been
22 filed.

23 (ii) The workers' compensation judge shall provide the notice of the hearing
24 date to the employee or his attorney at the same time and in the same manner than
25 the notice of the hearing date is provided to the employer or payor.

26 (iii) For the purposes of this Section, the party seeking an expedited hearing
27 shall not be required to submit the dispute to mediation or go through a pretrial
28 conference before obtaining a hearing. The hearing shall be conducted as a rule to
29 show cause.

1 in his job placement or vocational training. Should the employer refuse to provide
 2 these services, or a dispute arises concerning the work of the vocational counselor,
 3 the employee may file a claim with the office to review the need for such services
 4 or the quality of services being provided. ~~The procedure for hearing such claims~~
 5 ~~shall be expedited as provided in R.S. 23:1124.~~ employee shall have a right to an
 6 expedited summary proceeding pursuant to R.S. 23:1201.1(K)(8). The workers'
 7 compensation judge shall set a hearing date within three days of receiving the
 8 motion. The hearing shall be held not less than ten, nor more than thirty days, after
 9 the employer or payor receives notice, delivered by certified or registered mail, of
 10 the employee's motion. The workers' compensation judge shall provide notice of the
 11 hearing date to the employer and payor at the same time and in the same manner that
 12 notice of the hearing date is provided to the employee or his attorney. For the
 13 purposes of this Section, an employee shall not be required to submit the dispute on
 14 the issue of vocational services to mediation or go through a pretrial conference
 15 before obtaining a hearing. The hearing shall be conducted as a rule to show cause.

16 (b) An employee shall have no right of action against a vocational counselor
 17 for tort damages related to the performance of vocational services unless and until
 18 he has exhausted the administrative remedy provided for in Subparagraph (a) of this
 19 Paragraph. The running of prescription shall be suspended during the pendency of
 20 the administrative proceedings provided for in this Paragraph.

21 (c) ~~The expedited procedure shall also be made available to the employer to~~
 22 ~~require the employee's cooperation in the rehabilitation process. Refusal to accept~~
 23 ~~rehabilitation as deemed necessary by the worker's compensation judge shall result~~
 24 ~~in a fifty percent reduction in~~ Upon refusal by the employee, the employer or payor
 25 may reduce weekly compensation, including supplemental earnings benefits pursuant
 26 to R.S. 23:1221(3), by fifty percent for each week of the period of refusal.
 27 Reduction of benefits by the employer or payor shall be made in accordance with the
 28 provisions of R.S. 23:1201.1(A) through (E).

29 * * *

1 §1310.8. Jurisdiction continuing; determining as to final settlement

2 * * *

3 B. Upon the ~~application~~ motion of any party in interest, on the ground of a
4 change in conditions, the workers' compensation judge may, after a contradictory
5 hearing, review any award, and, on such review, may make an award ending,
6 diminishing, or increasing the compensation previously awarded, subject to the
7 maximum or minimum provided in the Workers' Compensation Act, and shall state
8 his conclusions of fact and rulings of law, and the director shall immediately send
9 to the parties a copy of the award.

10 * * *

11 §1314. Necessary allegations; dismissal of premature petition; dispute of benefits

12 * * *

13 E.(1) Notwithstanding any other provision of this Section, the employer ~~shall~~
14 ~~be permitted to file a disputed claim to controvert benefits or concerning any other~~
15 ~~dispute arising under this Chapter~~ or payor shall be permitted to file a disputed claim
16 against an employee, his dependent, or beneficiary only when the employer or payor
17 alleges the employee, his dependant, or beneficiary has committed fraud as provided
18 in R.S. 23:1208 which caused the employer or payor to pay a benefit which was not
19 due to the employee, his dependant, or beneficiary; or when the employer or payor
20 is an aggrieved party appealing a decision of the medical director pursuant to R.S.
21 23:1203(K).

22 (2) Notwithstanding any other provision of this Section, the employer or
23 payor shall be permitted to file a disputed claim against a person or entity other than
24 an injured employee, his dependent, or beneficiary concerning any other dispute
25 arising under this Chapter.

26 Section 2. This Act is declared to be remedial, curative, and procedural and therefore
27 is to be applied retroactively as well as prospectively. However, should any provision of this
28 Act be declared to apply prospectively only, all provisions of this Act shall be applied
29 prospectively only.

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)]

Cromer

HB No. 728

Abstract: Provides with respect to workers' compensation.

Present law (R.S. 23:1121) provides for the examination of an injured employee.

Present law requires an injured employee to be examined by a qualified medical practitioner as soon after the accident as demanded.

Present law further provides that the examination shall be paid for by the employer.

Proposed law retains present law.

Present law provides the employee with the right to select one treating physician in any field or specialty.

Proposed law retains present law.

Present law (R.S. 23:1124) provides that an employer or insurer who seeks to compel an employee's compliance with a medical examination shall be granted an expedited hearing.

Proposed law deletes present law and provides that an employee shall have a right to an expedited hearing when denied his right to an initial physician of choice.

Proposed law (R.S. 23:1121) provides that the workers' compensation judge shall set a hearing date within three days of receiving the employee's motion, and that the hearing shall be held between 10 and 30 days after the employee files the motion.

Proposed law requires that the judge notify all parties of the hearing date in the same manner and at the same time.

Proposed law requires the authorization of the employee's choice of physician unless good cause is shown as to why it should not be authorized.

Proposed law defines "payor" to mean the entity responsible, whether by law or contract, for the payment of benefits incurred by a claimant as a result of a work related injury, and changes references to "employer or insurer" to "employer or payor".

Proposed law requires the payor to send notice to the office, the employee, and the employee's representative upon making the first payment of compensation, and upon any payment, modification, suspension, termination, or controversion of compensation or medical benefits.

Proposed law does not apply in cases of medical necessity as defined by present law (R.S. 23:1203.1).

Proposed law requires the employer or payor to prepare a "Notice of Modification, Suspension, Termination, or Controversion of Compensation and/or Medical Benefits".

Proposed law further requires the employer or payor to send a copy of the notice of the first payment of compensation to the office within 10 days of the date original notice was sent to the injured employee.

Proposed law requires the director to make the notice available upon request of the employee.

Proposed law requires the employer or payor to send a copy of the "Notice of Modification, Suspension, Termination, or Controversion of Compensation and/or Medical Benefits" to the office on the same day as it was sent to the employee.

Proposed law provides that if an injured employee disagrees with any information on the notice form, he shall notify the employer or payor of the basis for disagreement by returning the form to the employer or payor, or by letter of amicable demand, and provide any amounts of compensation he believes appropriate.

Proposed law provides that if the employer or payor provides the benefits that the employee claims he is due, including any arrearage, within seven days of the demand, he shall not be subject to any penalties or attorney fees.

Proposed law provides that if the employer or payor does not provide the benefits that the employee claims are due, the employee may file a disputed claim for benefits.

Proposed law provides that only the employer or payor who initially sent the notice as required and has complied with the provisions of proposed law, who wishes to have a preliminary determination hearing shall request the hearing in his answer to the disputed claim arising from the notice.

Proposed law provides that an employer or payor who does not comply may be subject to penalties and attorney fees.

Proposed law provides that the preliminary determination hearing shall be a contradictory hearing at which all parties may introduce evidence.

Proposed law allows the testimony of physicians by certified records or deposition, or, when the parties agree, uncertified medical records and physician reports may be introduced into evidence.

Proposed law allows witnesses to testify or offer testimony by deposition.

Proposed law requires the preliminary determination hearing to be held no later than 90 days from the scheduling conference, unless a 30 day extension is allowed for good cause.

Proposed law requires that any employer or payor who requests a preliminary hearing must produce all documentation he relied upon in calculating the employee's benefits.

Proposed law requires the employer to, within 10 calendar days, either accept and comply with the preliminary determination of the workers' compensation judge and mail a revised notice to the injured employee or notify the injured employee that he does not accept the determination.

Proposed law provides that if the injured employee disagrees with the preliminary determination, he shall notify the court within 10 days of his desire to proceed to a trial on the merits.

Proposed law reserves the right of the employer or payor who does comply with the determination, to further controvert future matters. The acceptance of the preliminary determination by the employer or payor shall not be considered an admission.

Proposed law provides that when an employee has filed a disputed claim and the employer or payor is not entitled to a preliminary determination, then the matter shall proceed to a trial on the merits.

Proposed law provides that the workers' compensation judge's ruling in a hearing shall be conducted as an expedited summary proceeding and shall be considered an order of the court in certain matters outlined in proposed law.

Proposed law provides that if an employee can show good cause for his refusal, the judge shall order the suspension or reduction in benefits lifted and the payment of any arrearage due.

Proposed law provides that if the employee fails to show good cause for refusal, the judge shall order the suspension or reduction in benefits to continue until the employee complies.

Proposed law provides that an employer or payor who is entitled to a preliminary determination and who complies with an order of the court issued pursuant to a hearing within 10 days shall not be subject to any penalty or attorney fees arising out of the original notice which was the subject of the hearing.

Present law (R.S. 23:1226) provides that the employer shall be responsible for the selection of a licensed professional rehabilitation counselor to evaluate and assist the employee in his job placement or vocational training.

Proposed law retains present law.

Present law provides that if the employer refuses to provide the services of a vocational rehabilitation counselor, the employee may file a claim to review the need for the services.

Proposed law provides that disputes shall be heard in an expedited hearing.

Proposed law requires the workers' compensation judge to set a hearing date within three days of receiving the motion, and that the hearing shall take place between 10 and 30 days after the employee receives the notice of the motion.

Proposed law requires the workers' compensation judge to provide the notice and the hearing date to the employer or the payor at the same time and in the same manner as it is provided to the injured employee and his representative.

Proposed law provides that the hearing shall be conducted as a rule to show cause.

Present law (R.S. 23:1310.8) provides for jurisdiction of the workers' compensation judge in claim resolution.

Present law provides that upon the application of any party of interest, on the ground of a change in conditions, the workers' compensation judge may review any award and may make an award ending, diminishing, or increasing the compensation subject to the maximum or minimum provided in present law.

Proposed law changes "application" to "motion" of any party of interest, but otherwise retains present law.

Present law (R.S. 23:1314) allows an employer to file a disputed claim to controvert benefits or concerning any other dispute in present law.

Proposed law provides that the employer or payor may file a disputed claim against an employee, his dependent, or his beneficiary when the employer or payor alleges the employee has committed fraud.

Proposed law shall be remedial, curative, and procedural and shall be applied retroactively unless part of the Act is declared to be prospective only, then the whole Act shall be applied prospectively.

(Amends R.S. 23:1121(B)(1) and (5), 1124, 1201(H), 1208(F), (G), and (H), 1226(B)(3), 1310.8(B) and 1314(E); Adds R.S. 23:1021(13) and 1201.1)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Makes technical changes.
2. Provides that when an employee has filed a disputed claim and the employer or payor is not entitled to a preliminary determination, then the matter shall proceed to a trial on the merits.
3. Provides for expedited hearings and for procedure for disputes and time frames for the expedited hearing.
4. Changes references from "insurer" to "payor".
5. Allows the employer or payor to file a disputed claim against an employee, his dependent, or beneficiary in cases of fraud.
6. Provides that if any provision of the Act is declared to be applied prospectively only, then the whole Act shall be applied prospectively.