

Regular Session, 2013

HOUSE BILL NO. 450

BY REPRESENTATIVE IVEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 23:1203.1(A), (J), (K), and (M) and to enact R.S. 23:1203.1.1,  
3 relative to the workers' compensation medical treatment schedule; to provide with  
4 respect to the medical advisory council; to provide with respect to the medical  
5 director; to provide for an associate medical director; to provide with respect to his  
6 qualifications; to provide definitions; to provide for supporting scientific evidence  
7 for treatment; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 23:1203.1(A), (J), (K), and (M) are hereby amended and reenacted  
10 and R.S. 23:1203.1.1 is hereby enacted to read as follows:

11 §1203.1. ~~Medical~~ Definitions; medical treatment schedule; medical advisory council

12 A. For use in this Section, the following terms shall have the following  
13 meanings, unless clearly indicated otherwise by the context:

14 (1) "Associate medical director" means a physician who is licensed to  
15 practice medicine in the state of Louisiana and has been chosen by the director of the  
16 office of workers' compensation administration pursuant to R.S. 23:1203.1.1.

17 (2) "Council" means the medical advisory council appointed by the director  
18 of the office of workers' compensation administration.

19 ~~(2)~~ (3) "Director" means the director of the office of workers' compensation  
20 administration.

21 (4) "Medical director" means a physician who is licensed to practice  
22 medicine in the state of Louisiana and has been chosen by the director of the office  
23 of workers' compensation administration pursuant to R.S. 23:1203.1.1.

1           ~~(3)~~ (5) "Office" means the office of workers' compensation administration  
2 of the Louisiana Workforce Commission.

3           ~~(4)~~ (6) "Schedule" means the medical treatment schedule to be developed by  
4 the council and promulgated by the office and the director.

5   \*     \*     \*

6           J.(1) After a medical provider has submitted to the payor the request for  
7 authorization and the information required by the Louisiana Administrative Code,  
8 Title 40, Chapter 27, the payor shall notify the medical provider of their action on  
9 the request within five business days of receipt of the request. If any dispute arises  
10 after January 1, 2011, as to whether the recommended care, services, or treatment is  
11 in accordance with the medical treatment schedule, or whether a variance from the  
12 medical treatment schedule is reasonably required as contemplated in Subsection I  
13 of this Section, any aggrieved party shall file, within fifteen calendar days, an appeal  
14 with the office of workers' compensation administration medical director or associate  
15 medical director on a form promulgated by the director. The medical director or  
16 associate medical director shall render a decision as soon as is practicable, but in no  
17 event, not more than thirty calendar days from the date of filing.

18           (2) If either party, the medical director, or associate medical director believes  
19 that a potential conflict of interest exists, they shall communicate in writing such  
20 information to the director, who shall make a determination as to whether a conflict  
21 exists within two business days. The director shall notify in writing the patient, the  
22 physician, and, if applicable, the attorney of his decision within two business days.

23           K. After the issuance of the decision by the medical director or associate  
24 medical director of the office, any party who disagrees with the ~~medical director's~~  
25 decision, may then appeal by filing a "Disputed Claim for Compensation", which is  
26 LWC Form 1008. The decision ~~of the medical director~~ may be overturned when it  
27 is shown, by clear and convincing evidence, the decision of the medical director or  
28 associate medical director was not in accordance with the provisions of this Section.

29   \*     \*     \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 M.(1) With regard to all treatment not covered by the medical treatment  
2 schedule promulgated in accordance with this Section, all medical care, services, and  
3 treatment shall be in accordance with Subsection D of this Section.

4 (2) Notwithstanding any other provision of this Chapter, all treatment not  
5 specified in the medical treatment schedule and not found in Subsection D of this  
6 Section shall be due by the employer when it is demonstrated to the medical director,  
7 in accordance with the principles of Subsection C of this Section, that a  
8 preponderance of the scientific medical evidence supports approval of the treatment  
9 that is not covered.

10 \* \* \*

11 §1203.1.1. Medical director and associate medical director

12 A. The director shall hire a medical director and an associate medical  
13 director to render decisions on disputed cases filed pursuant to R.S. 23:1203.1(J).

14 B. The medical director and associate medical director shall be full-time  
15 public employees of the office of workers' compensation administration and shall not  
16 engage in the practice of medicine outside the office.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_