
DIGEST

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HB 205 Original

2015 Regular Session

Gaines

Abstract: Provides for the procedure for determining disputes and appeals of the workers' compensation medical director's decision.

Present law provides that the director of the office of workers' compensation (OWCA) may hire a medical director and associate medical director to render decisions on disputed cases. Present law provides for the development of a medical treatment schedule based on conscientious, explicit, and judicious use of current best evidence about the care of patients. Present law provides that after a medical provider has submitted the required request for authorization to the payor, that the payor shall notify the provider of his action on the request within five business days.

Present law provides that if there is a dispute over treatment, an appeal may be filed within 15 calendar days. Proposed law changes the time period from 15 days to 30 days, and provides that the time period commences upon the written notice of denial.

Proposed law provides that if a written notice of denial is not provided within five business days, an appeal may be filed and that the 30 day time period does not begin until the denial has been received.

Present law provides that any party who disagrees with the decision of the medical director or associate medical director may file a "Disputed Claim for Compensation", which is the LWC Form 1008. Proposed law retains present law but limits the time for the filing of the 1008 to 30 days after the issuance of the decision.

Proposed law requires that the party who files an appeal notify the director within 10 days and that the director then must compile the record to be used for the decision within 15 days. All relevant evidence may be used at the hearing and the record shall be available to any party who requests it.

Proposed law requires that if new evidence is introduced, the matter is sent back to the medical director, who has 15 days to render a decision. Proposed law further provides that if no new evidence is introduced, or if the medical director takes no action within the allotted time frame, the workers' compensation judge may render a decision.

(Amends R.S. 23:1203.1(J)(1) and (K))