

2015 Regular Session

SENATE BILL NO. 107

BY SENATOR PEACOCK

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

WORKERS' COMPENSATION. Eliminates the benefit deadline in the Workers' Compensation Second Injury Fund. (gov sig)

1 AN ACT
2 To amend and reenact the introductory paragraph of R.S. 23:1378(A), relative the Workers'
3 Compensation Second Injury Fund; to provide with respect to the termination date
4 of the reimbursement schedule; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. The introductory paragraph of R.S. 23:1378(A) is hereby amended and
7 reenacted to read as follows:

8 §1378. Determination of liability of fund

9 A. An employer operating under the provisions of this Chapter who
10 knowingly employs, re-employs, or retains in his employment an employee who has
11 a permanent partial disability, as defined in R.S. 23:1371.1, shall qualify for
12 reimbursement from the Second Injury Fund, if the employee incurs a subsequent
13 injury arising out of and in the course of his employment resulting in a greater
14 liability due to the merger of the subsequent injury with the preexisting permanent
15 partial disability. The employer or, if insured, his insurer shall pay all benefits
16 provided in this Chapter, but the employer or, if insured, his insurer thereafter shall
17 be reimbursed by the Second Injury Fund for all indemnity and medical benefit

1 payments as follows:

Date of Injury	Reimbursement Schedule
<p>2 Before July 1, 2004 & on/ 3 after July 1, 2009, but before 4 July 1, 2010</p>	<p>INDEMNITY</p> <ul style="list-style-type: none"> • TTD/SEB/PTD After the first 104 weeks of payment of benefits • Death benefits after the first 175 weeks of payment of benefits <p>MEDICAL</p> <ul style="list-style-type: none"> • 50% of all reasonable and necessary medical expenses actually paid which exceed \$5,000.00, but no less than \$10,000.00 • 100% of all reasonable and necessary medical expenses actually paid which exceed \$10,000.00
<p>6 On/after July 1, 2004 & before 7 July 1, 2009</p>	<p>INDEMNITY</p> <ul style="list-style-type: none"> • After the first 130 weeks of payment of benefits <p>MEDICAL</p> <ul style="list-style-type: none"> • 100% of all reasonable and necessary medical expenses actually paid which exceed \$25,000.00 •
<p>8 On/after July 1, 2010 & before 9 July 1, 2015</p>	<p>INDEMNITY</p> <ul style="list-style-type: none"> • After the first 104 weeks of indemnity <p>MEDICAL</p> <ul style="list-style-type: none"> • 100% of all reasonable and necessary medical expenses actually paid which exceed \$25,000.00, including reasonable and necessary Vocational Rehabilitation expenses, if such expenses are directly related to services provided in the actual retention or reemployment of employees

10 * * *

11 Section 2. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
 2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 4 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

SB 107 Engrossed

2015 Regular Session

Peacock

Present law encourages employers to retain and hire employees with a pre-existing permanent partial disability by providing for reimbursement from the Second Injury Fund to the employer or its insurer, for workers' compensation benefits beyond a scheduled threshold, where both of the following occur:

- (1) The employer had prior knowledge of the pre-existing disability.
- (2) Is liable for benefits as the result of a subsequent compensable accident causing a second injury that merges with the pre-existing injury to cause greater liability and harm to the employee than would have existed otherwise.

Present law provides a reimbursement schedule which, for second injuries occurring between July 1, 2010, and July 1, 2015, excludes the first 104 weeks of indemnity benefits and the first \$25,000 of medical benefits from reimbursement.

Proposed law retains present law but eliminates the end date contained in the reimbursement schedule.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 23:1378(A)(intro para))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Labor and Industrial Relations to the original bill

1. Eliminates the benefit deadline date in the Workers' Compensation Second Injury Fund.