

SENATE BILL NO. 107

BY SENATOR PEACOCK

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§1378. Determination of liability of fund

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

1
2
3
4
5
6
7
8
9
10
11

Date of Injury	Reimbursement Schedule
Before July 1, 2004 & on/ after July 1, 2009, but before July 1, 2010	INDEMNITY <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 MEDICAL <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
On/after July 1, 2004 & before July 1, 2009	INDEMNITY <ul style="list-style-type: none"> • After the first 130 weeks of payment of benefits MEDICAL <ul style="list-style-type: none"> • 100% of all reasonable and necessary medical expenses actually paid which exceed \$25,000.00 •
On/after July 1, 2010 & before July 1, 2015	INDEMNITY <ul style="list-style-type: none"> • After the first 104 weeks of indemnity MEDICAL <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

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____