

2019 Regular Session

HOUSE BILL NO. 571

BY REPRESENTATIVE SEABAUGH

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

WORKERS COMPENSATION: Provides with respect to plastic and metallic implants or non-autogenous graft

1 AN ACT

2 To enact R.S. 23:1203.1.2, relative to workers' compensation; to provide with respect to the
3 reimbursement schedule; to provide for plastic and metallic implant or non-
4 autogenous graft; to require the purchase of implant or non-autogenous graft; to
5 provide for reimbursement; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1203.1.2 is hereby enacted to read as follows:

8 §1203.1.2. Duty to reimburse health facilities; implant or non-autogenous graft

9 A. When an injured worker requires and is entitled to a procedure that
10 necessitates the use of a plastic and metallic implant or non-autogenous graft, the
11 facility, hospital, or ambulatory surgery center, shall order and purchase the plastic
12 and metallic implant or non-autogenous graft.

13 B. Reimbursement for the plastic and metallic implant or non-autogenous
14 graft shall be at the manufacturer's original invoice amount, exclusive of rebates and
15 discounts, plus twenty percent.

16 C. The facility shall submit to the payor an original manufacturer's invoice
17 detailing the amount paid by the facility, hospital, or ambulatory surgery center for
18 the plastic and metallic implants or non-autogenous graft. The facility, hospital, or
19 ambulatory surgery center shall act as a prudent buyer and is answerable for any

1 costs that exceed what a reasonable cost-conscious buyer would have paid for the
2 given item or service.

3 D. In the absence of clear and convincing evidence that the higher costs were
4 unavoidable, then the facility, hospital, or ambulatory surgery center shall not be
5 reimbursed for the excess costs.

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)]

HB 571 Original

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Seabaugh

Abstract: Allows healthcare providers who purchase plastic and metallic implant's or non-autogenous graft's to be reimbursed for reasonable cost of the implants.

Present law provides that the assistant secretary of the office of workers' compensation shall establish and promulgate a reimbursement schedule for drugs, supplies, hospital care and services, medical and surgical treatment, and any non-medical treatment recognized by present law, the Workers' Compensation Act.

Proposed law retains present law to add that the facility, hospital or ambulatory surgery center, must order and pay for the implant or non-autogenous graft and upon receipt of the original manufacturer's invoice, shall be reimbursed by the payor.

Proposed law provides that the reimbursed amount shall be at the manufacturer's original invoice amount, exclusive of rebates and discounts, plus 20%.

Proposed law provides that the costs associated with the purchasing of an implant or non-autogenous graft shall not exceed what a prudent buyer pays for an item or service of its kind.

Proposed law provides that if costs of the implant or non-autogenous graft should exceed the level of a prudent buyer then the amount in excess shall not be reimbursed.

(Adds R.S. 23:1203.1.2)