
DIGEST

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Ponti

HB No. 502

Abstract: Provides for testing and early recognition of the need for vocational training in workers' compensation claims and authorizes the Second Injury Board to allocate funds to assist employers and employees with disabilities.

Present law provides for rehabilitation of injured employees.

Present law requires that vocational rehabilitation services shall be provided by a licensed professional vocational rehabilitation counselor.

Proposed law retains present law and further provides that early referral is critical and that vocational rehabilitation shall begin as soon as possible.

Present law provides that the goal of rehabilitation is to return to work as quickly as possible, in the same position, a modified position, to a related occupation, receive job training, or become self-employed.

Proposed law changes the frequency of short-term training from less than 26 weeks to less than 52 weeks.

Proposed law changes the frequency range of long term training from between 26 weeks and a year, to at least 52 weeks, but not more than a year.

Present law requires employers to select a licensed professional vocational rehabilitation counselor to evaluate and assist the employee in job placement and training.

Proposed law retains present law and further provides that it is the responsibility of the counselor to meet with the employee as soon as possible and develop a rehabilitation plan.

Present law provides that a workers' compensation judge shall determine if, after training, the injured worker could be rehabilitated enough to obtain employment.

Proposed law retains present law and further provides that the employer or insurer shall pay for training if the judge determines that it is appropriate.

Proposed law defines "functional capacity evaluation" to mean a detailed evaluation performed by a qualified examiner to objectively measure an injured worker's level of function within the

context of the demands of competitive employment.

Proposed law provides that measures of function from a functional capacity evaluation shall be used to determine an injured worker's ability to safely return to employment, with or without modification.

Proposed law provides for qualifications of functional capacity evaluation counselors.

Proposed law outlines the procedure that the functional capacity evaluation counselor shall use to evaluate the injured worker, and the criteria upon which the worker shall be evaluated and tested.

Proposed law provides that the testing shall take place in two consecutive days, with extensions for certain circumstances.

Proposed law requires that when the injured employee returns to work, the functional job description must be supplied before the evaluation is formed.

Proposed law does not limit the ability to return to work early.

Proposed law provides that the examiner shall forward the report to the physician, and provides that the physician shall approve the report within 15 days, or the recommendations of the examiner are presumed accurate without the physicians input.

Present law creates the Workers' Compensation Second Injury Fund to fund the administrative expenses of the Second Injury Board and to reimburse compensable claims of property and casualty insurers, self-insured employers, and group self-insurance funds.

Proposed law provides that the Second Injury Board may approve funds to be allocated to the Louisiana Rehabilitation Services to assist potential employers and qualified employees with disabilities.

Proposed law requires the Louisiana Rehabilitation Services to provide a quarterly report to the Second Injury Fund Board.

(Amends R.S. 23:1226(A), (B), (D), and (E) and 1377(A); Adds R.S. 23:1227 and 1377(G))