

2020 Regular Session

HOUSE BILL NO. 811

BY REPRESENTATIVE PIERRE

WORKERS COMPENSATION: Provides relative to independent medical examinations

1 AN ACT

2 To amend and reenact R.S. 23:1123 and 1317.1(A) and to repeal R.S. 23:1124.1, relative to  
3 workers' compensation; to provide for additional medical opinions; to provide for the  
4 duties of a workers' compensation judge; to provide for the selection and  
5 appointment of physicians; to provide for the use of cumulative testimony; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:1123 and 1317.1(A) are hereby amended and reenacted to read  
9 as follows:

10 §1123. Disputes as to condition or capacity to work; additional medical opinion  
11 regarding an examination under supervision of the ~~secretary~~ workers'  
12 compensation judge

13 A.(1) If any dispute arises as to the condition of the employee, or the  
14 employee's capacity to work, the ~~assistant secretary~~ workers' compensation judge,  
15 upon application of any party, shall order an additional medical opinion regarding  
16 an examination of the employee to be made by a ~~medical practitioner~~ physician, who  
17 shall be selected and appointed by the ~~assistant secretary~~ workers' compensation  
18 judge, when no disputed claim for compensation has been filed.

19 (2) After a disputed claim for compensation has been filed, a workers'  
20 compensation judge may do either of the following:



## 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 811 Original

2020 Regular Session

Pierre

**Abstract:** Provides relative to additional medical opinions in regards to an examination for workers' compensation claims.

Present law provides that if any dispute arises regarding the condition of the employee, or the employee's capacity to work, the assistant secretary, upon application of any party, shall order an additional medical opinion regarding an examination of the employee, which will be performed by a medical practitioner selected and appointed by the assistant secretary.

Proposed law provides that if any dispute arises regarding the condition of the employee, or the employee's capacity to work, the workers' compensation judge, upon application of any party, shall order an additional medical opinion regarding an examination of the employee, which will be performed by a physician who shall be selected and appointed by the workers' compensation judge, when no disputed claim for compensation has been filed.

Proposed law provides that after a disputed claim for compensation has been filed, a workers' compensation judge may:

- (1) Upon application of any party, order an additional medical opinion regarding the examination of the claimant to be made by a physician.
- (2) On his own motion, order any claimant appearing before him, to be examined by other physicians.

Proposed law provides that if both parties to the dispute agree on a choice of physician to conduct the additional medical opinions then they may present the choice to the workers' compensation judge who may then appoint a chosen physician.

Present law provides that the medical examiner shall report the conclusions from the examination to the assistant secretary and to the parties.

Proposed law changes present law by providing that the physician, selected and appointed by the workers' compensation judge, shall report the conclusions from the examination to the workers' compensation judge and to the parties.

Present law prohibits the use of cumulative testimony in a hearing before a hearing officer.

Proposed law repeals present law and provides that neither the claimant nor respondent in a hearing before the workers' compensation judge shall be permitted to introduce the testimony of more than two physicians when evidence of any additional physician would be cumulative testimony.

Present law provides that if a party wants to request an additional medical opinion regarding a medical examination pursuant to present law, the request must be made at or prior to the pretrial conference.

Proposed law changes present law by requiring the request be made at the scheduling conference.

(Amends R.S. 23:1123 and 1317.1(A); Repeals R.S. 23:1124.1)