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## DIGEST

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HB 176 Engrossed

2022 Regular Session

Frieman

**Abstract:** Provides relative to medical examinations in workers' compensation claims.

Present law provides that if any dispute arises as to 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.

Proposed law provides that if any dispute arises as to the condition of the employee, the employee's capacity to work, or whether the alleged injury or disability was caused by the alleged work-related accident, the assistant secretary, upon application of any party, shall order an additional medical opinion.

Present law provides that a medical practitioner selected and appointed by the assistant secretary shall provide the additional medical opinion. Present law further provides that the medical examiner shall report his conclusions from the examination to the assistant secretary and to the parties, and such report shall be prima facie evidence of the facts for any subsequent proceedings.

Proposed law retains present law.

Proposed law provides that if both parties agree on the choice of the physician to conduct the additional medical examination, the parties may present the choice to the assistant secretary and that physician shall be selected to conduct the examination.

Present law provides that any party wishing to request an additional medical opinion regarding a medical examination of the claimant shall be required to make its request at or prior to the pretrial conference.

Proposed law changes present law by providing that any party wishing to request an additional medical opinion regarding a medical examination of the claimant shall make such a request prior to the pretrial mediation conference.

Present law lists the required information for the medical examination report.

Present law requires that the report of the medical examination contain the medical treatment and physical rehabilitative procedures which have already been rendered and the treatment, if any, that the examiner recommends for the future, together with reasons for the recommendation.

Proposed law deletes the requirement that the report provide any future treatment the medical examiner recommends with reasons.

(Amends R.S. 23:1123 and 1317.1(A), (B), and (C)(3))