

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 764** HLS 24RS 1108

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 10, 2024	4:39 PM	Author: TAYLOR
Dept./Agy.: Office of Risk Management & LA Workforce Commission		Analyst: Noah O'Dell
Subject: Defenses in Workers' Compensation Claims		

WORKERS COMPENSATION OR INCREASE SG EX See Note
Provides relative to defenses in workers' compensation claims

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Current law provides for defenses in which an employer is not liable for workers' compensation (WC) benefits to an injured employee. Current law provides for appeals processes when disagreements or disputes occur related to WC benefits.

Proposed law prohibits an employer from asserting a lack of compensability or causation when an appeal is filed or in an answer to a disputed claim for compensation regarding a medical treatment approved, if the employer did not assert such defenses at the first opportunity as a basis for denial of authorization of a medical treatment.

Effective August 1, 2024

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total						
REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

The Office of Risk Management (ORM) reports the proposed law may increase SGF expenditures by less than \$100,000 annually should claim patterns remain constant. The bill prevents an employer/insurer from asserting a lack of compensability or causation defense in an appeal filed or in answer to a disputed claim for compensation regarding a medical treatment approved, if the defense was not asserted at the first opportunity as a basis for denial of authorization of a medical treatment. ORM reports lack of compensability or causation defenses are nearly always asserted at the first opportunity. However, to the extent these defenses can no longer be applied, the bill may require employers/insurers, including ORM, to provide payment for medical services when no such liability exists under workers' compensation.

ORM funds Workers' Compensation for state employees through interagency transfers derived from premiums billed to state agencies.

Louisiana Workforce Commission (LWC) reports the agency will be able to comply with the proposed measure utilizing existing resources.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate

Dual Referral Rules

13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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