

2026 Regular Session

HOUSE BILL NO. 1101

BY REPRESENTATIVE MELERINE

WORKERS COMPENSATION: Provides relative to maximum medical improvement, income benefits, the misrepresentation of benefits or payments, and the rehabilitation of injured employees under workers' compensation

1 AN ACT

2 To amend and reenact R.S. 23:1021(introductory paragraph), 1123, 1208(A),

3 1221(introductory paragraph), (1)(d), and (3)(d)(introductory paragraph) and (ii), and

4 1226(A) and (B)(1)(introductory paragraph) and (3)(a) and to enact R.S. 23:1021(14)

5 and 1221(5), relative to workers' compensation; to define maximum medical

6 improvement; to provide for the misrepresentation of workers' compensation benefits

7 or payments; to provide for the compensation of certain income benefits due under

8 workers' compensation; to provide for the rehabilitation of injured employees; and

9 to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 23:1021(introductory paragraph), 1123, 1208(A), 1221(introductory

12 paragraph), (1)(d), and (3)(d)(introductory paragraph) and (ii), and 1226(A) and

13 (B)(1)(introductory paragraph) and (3)(a) are hereby amended and reenacted and R.S.

14 23:1021(14) and 1221(5) are hereby enacted to read as follows:

15 §1021. Terms defined

16 As used in this Chapter, unless the context clearly indicates otherwise, the

17 following terms ~~shall be given~~ have the ~~meaning~~ meanings ascribed to them in this

18 Section:

19 * * *

1 fraud as provided for in this Section, if the false statement or representation would
2 be otherwise prohibited pursuant to Paragraph (1) of this Subsection.

3 * * *

4 §1221. Temporary total disability; permanent total disability; supplemental earnings
5 benefits; permanent partial disability; schedule of payments
6 Compensation shall be paid ~~under~~ pursuant to this Chapter in accordance
7 with the following schedule of payments:

8 (1) Temporary total.

9 * * *

10 (d) An award of benefits based on temporary total disability shall cease when
11 the physical condition of the employee has resolved itself to the point ~~that a~~
12 ~~reasonably reliable determination of the extent of disability of the employee may be~~
13 ~~made and the employee's physical condition has improved to the point that~~
14 ~~continued, regular treatment by a physician is not required~~ of maximum medical
15 improvement. However, in no event shall benefits based on temporary total
16 disability exceed a maximum of one hundred fifty-six weeks. Termination of
17 temporary total disability benefits as provided for in this Paragraph shall not
18 preclude an award of benefits provided for in Paragraphs (2), (3), and (4) of this
19 Section.

20 * * *

21 (3) Supplemental earnings benefits.

22 * * *

23 (d) The right to supplemental earnings benefits pursuant to this Paragraph
24 shall in no event exceed a maximum of ~~five hundred twenty~~ four hundred sixteen
25 weeks, but shall terminate:

26 * * *

27 (ii) After receipt of a maximum of ~~five hundred twenty~~ four hundred sixteen
28 weeks of benefits, provided that for any week during which the employee is paid any
29 compensation ~~under~~ pursuant to this Paragraph, the employer shall be entitled to a

1 reduction of one full week of compensation against the maximum number of weeks
2 for which compensation is payable ~~under~~ pursuant to this Paragraph; however, for
3 any week during which the employee is paid no supplemental earnings benefits, the
4 employer shall not be entitled to a reduction against the maximum number of weeks
5 payable ~~under~~ pursuant to this Paragraph; or

6 * * *

7 (5) All income benefits payable pursuant to this Chapter shall terminate on
8 the date when the employee reaches the age of seventy-five or five years after the
9 employee's injury or last exposure, whichever occurs last. Any death benefits
10 payable pursuant to this Chapter to spouses and dependents shall terminate on the
11 date when the employee would have reached the age of seventy or four years after
12 the employee's date of injury or date of last exposure, whichever occurs last.

13 * * *

14 §1226. Rehabilitation of injured employees

15 A. When an employee has suffered an injury covered by this Chapter which
16 precludes the employee from earning wages equal to wages earned prior to the
17 injury, the employee shall be entitled to prompt vocational rehabilitation services.
18 Vocational rehabilitation services shall be provided by a licensed professional
19 vocational rehabilitation counselor, and all such services provided shall be compliant
20 with the Code of Professional Ethics for Licensed Rehabilitation Counselors as
21 established by R.S. 37:3441 et seq.

22 B.(1) The goal of vocational rehabilitation services is to return a worker with
23 a disability to ~~work~~ suitable gainful employment, with a minimum of retraining, as
24 soon as possible after an injury occurs. Suitable gainful employment means a
25 position offered by the employer or identified by the vocational rehabilitation
26 counselor selected pursuant to this Section that is within the employee's physical
27 work restrictions and available within the employee's community or a reasonable
28 geographic area, regardless of whether the specific position is approved by a

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 of the office of workers' compensation administration (OWCA), upon application of any party, shall order an additional medical opinion regarding an examination of the employee. Present law further provides that the examination shall be conducted by a medical practitioner who is selected and appointed by the assistant secretary.

Proposed law adds and clarifies that a dispute of the parties can include but is not limited to the cause of the employee's condition regardless of whether the employee has reached maximum medical improvement. Proposed law otherwise retains present law.

Present law requires the medical examiner to report his conclusions from the examination to the assistant secretary of OWCA and to the parties. Present law provides that the report shall be prima facie evidence of the facts stated in any subsequent proceedings pursuant to present law.

Proposed law retains present law.

Present law prohibits a person, whether on his own behalf or another person's behalf, from willfully making a false statement or representation in order to obtain or prevent any benefits or payments due pursuant to present law.

Proposed law provides that the elements required for fraud provided for in present law (R.S. 23:1208(A)(1)) are exclusive and that no further requirements are necessary to establish fraud. Proposed law retains present law.

Proposed law prohibits the assertion of a defense of fraud regardless of whether the false statement or representation does not alter a medical expert's opinion concerning causation or treatment of an injured or occupational disease, if the false statement or representation would be prohibited pursuant to present law (R.S. 23:1208(A)(1)).

Present law provides that compensation owed in workers' compensation claims shall be paid in accordance with the established schedule of payments provided for in present law, which includes temporary total disability and supplemental earnings benefits.

Present law provides that temporary total disability benefits shall cease when the employee's physical condition has resolved itself to the point that a reasonably reliable determination of the extent of the employee's disability may be made and the employee's physical condition has improved to the point that continued, regular treatment by a physician is not required.

Proposed law instead provides that temporary total disability benefits shall cease when the employee's physical condition has resolved itself to the point of maximum medical improvement.

Proposed law provides that payment of temporary total disability benefits shall not exceed a maximum of 156 weeks. Proposed law further provides that the termination of temporary total disability benefits shall not preclude an award of benefits provided for permanent total disability, supplemental earning benefits, and permanent partial disability.

Present law provides for the award of supplemental earnings benefits for an injury resulting in the employee's inability to earn a certain percentage of his pre-injury wages and provides for the calculation of that amount. Proposed law retains present law.

Present law provides that supplemental earnings benefits shall not exceed a maximum of 520 weeks.

Proposed law changes the weeks from 520 weeks to 416 weeks.

Present law provides that, after receipt of a maximum of 520 weeks of supplemental earnings benefits, an employer shall be entitled to a reduction of one full week of compensation against the maximum number of weeks that compensation was paid. However, present law further provides that an employer shall not be entitled to a reduction if the employee was not paid supplemental earnings benefits during any week that compensation was owed to him.

Proposed law changes the weeks from 520 weeks to 416 weeks and otherwise retains present law.

Proposed law provides that all income benefits payable pursuant to present law and proposed law shall terminate on the date the employee turns 75 or five years after the employee's injury or last exposure, whichever occurs last. Proposed law further provides that any death benefits payable pursuant to present law and proposed law shall terminate on the date that the employee would have turned 70 or four years after the employee's date of injury or date of last exposure, whichever occurs last.

Present law provides that the employee shall be entitled to rehabilitation services if the employee has suffered an injury covered by present law, which precludes the employee from earning wages equal to his pre-injury wages.

Proposed law clarifies that the employee shall be entitled to vocational rehabilitation services. Proposed law otherwise retains present law.

Present law provides that the goal of rehabilitation services is to return a worker with a disability to work, with a minimum of retraining, as soon as possible after an injury occurs.

Proposed law instead provides that the goal of vocational rehabilitation services is to return a worker with a disability to suitable gainful employment, with a minimum of retraining, as soon as possible after an injury occurs.

Proposed law defines suitable gainful employment as a position offered by the employer or a position identified by the vocational rehabilitation counselor that is within the employee's physical work restrictions and available within the employee's community or a reasonable geographic area, regardless of whether the specific position is approved by a physician or offered to the employee.

(Amends R.S. 23:1021(intro. para), 1123, 1208(A), 1221(intro. para.), (1)(d), and (3)(d)(intro. para.) and (ii), and 1226(A) and (B)(1)(intro. para.) and (3)(a); Adds R.S. 23:1021(14) and 1221(5))