

**HOUSE COMMITTEE AMENDMENTS**

2026 Regular Session

Amendments proposed by House Committee on Labor and Industrial Relations to Re-  
Reengrossed Senate Bill No. 408 by Senator Myers

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 through 11 in their entirety and insert in lieu thereof the following:

3 "To amend and reenact R.S. 23:1021(introductory paragraph), 1034.2(B), (C), and  
4 (F), 1123, 1201(E) and (F)(introductory paragraph) and (2), 1201.1(A), (B), (D), (E), (G)  
5 through (I), (J)(2) through (4), (K)(1)(introductory paragraph) and (2) through (5), 1203(B),  
6 1203.1(J)(1), 1203.2, 1208(A), and 1221(introductory paragraph), (1)(d), and  
7 (3)(d)(introductory paragraph) and (ii) and R.S. 44:4.1(B)(12), to enact R.S. 23:1021(14)  
8 through (16), 1221(3)(a)(iii), and Subpart K of Part 1 of Chapter 10 of Title 23 of the  
9 Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:1200.18 through 1200.26,  
10 and to repeal R.S. 23:1201(A)(4) and (5), relative to workers' compensation; to establish an  
11 All Workers' Compensation Medical Claims Database; to provide for duties of Louisiana  
12 Works, office of workers' compensation administration; to provide for mandatory reporting  
13 of medical and pharmacy claims data; to provide for rulemaking; to provide for  
14 confidentiality and data protections; to provide for public records exceptions; to provide  
15 definitions; to define maximum medical improvement; to provide for the controversion of  
16 compensation and medical benefits; to require certain notice and delivery requirements; to  
17 provide for preliminary determination hearings; to provide for the misrepresentation of  
18 workers' compensation benefits or payments; to provide for the compensation of certain  
19 income benefits due under workers' compensation; to provide for penalties; to provide for  
20 an effective date; to provide for disability benefits and vocational rehabilitation in workers'  
21 compensation; to provide for preliminary determinations in workers' compensation; to  
22 provide for petitions in workers' compensation; and to provide for related matters.

23 AMENDMENT NO. 2

24 On page 1, delete lines 13 through 15 in their entirety and insert in lieu thereof the following:

25 "Section 1. R.S. 23:1034.2(B), (C), and (F), 1201 (E) and (F), 1201.1, 1203(B), and  
26 1203(J)(1) are hereby amended and reenacted and R.S. 23:1021(14) through (16) are hereby  
27 enacted to read as follows:"

28 AMENDMENT NO. 3

29 On page 2, line 1, after "terms" delete the remainder of the line and insert in lieu thereof the  
30 following:

31 **"have the meanings ascribed to them:"**

32 AMENDMENT NO. 4

33 On page 6, at the end of line 4, insert the following:

34 **"The decision of the office of workers' compensation administration's medical**  
35 **services section shall be final."**

36 AMENDMENT NO. 5

37 On page 6, line 5, change **"the issuance of a"** to **"written notice of the"**

38 AMENDMENT NO. 6

1 On page 6, line 7, after "**decision**" delete the remainder of the line and insert in lieu thereof  
2 the following:

3 **"within thirty days of its receipt"**

4 AMENDMENT NO. 7

5 On page 6, delete lines 8 through 11 in their entirety and insert in lieu thereof the following:

6 **"by certified mail. The appeal shall be to the judicial district court, of**  
7 **proper venue, as provided in the Code of Civil Procedure."**

8 AMENDMENT NO. 8

9 On page 6, line 12, delete "**and shall be assessed against the nonprevailing party.**"

10 AMENDMENT NO. 9

11 On page 7, line 2, after "**finer**" and before "**collected**" insert "**and interest**"

12 AMENDMENT NO. 10

13 On page 7, delete lines 6 through 10 in their entirety

14 AMENDMENT NO. 11

15 On page 7, line 11, change "**(4)**" to "**(3)**"

16 AMENDMENT NO. 12

17 On page 7, line 14, change "**(5)**" to "**(4)**"

18 AMENDMENT NO. 13

19 On page 7, line 24, change "**(6)**" to "**(5)**"

20 AMENDMENT NO. 14

21 On page 8, delete lines 12 through 23 in their entirety and insert in lieu thereof the following:

22 **"(2) Failure to pay medical benefits as required by this Subsection shall**  
23 **be subject to potential fines and interest pursuant to R.S. 23:1034.2(F).**

24 F. Except as otherwise provided in this Chapter, failure to provide payment  
25 in accordance with this Section or failure to consent to the employee's request to  
26 select a treating physician or change physicians when such consent is required by  
27 R.S. 23:1121 shall result in the assessment of a penalty in an amount up to the  
28 greater of twelve percent of any unpaid compensation ~~or medical benefits~~, or fifty  
29 dollars per calendar day for each day in which any and all compensation ~~or medical~~  
30 benefits remain unpaid or such consent is withheld, together with reasonable attorney  
31 fees for each disputed claim; however, the fifty dollars per calendar day penalty shall  
32 not exceed a maximum of two thousand dollars in the aggregate for any claim. The  
33 maximum amount of penalties which may be imposed at a hearing on the merits  
34 regardless of the number of penalties which might be imposed ~~under~~ **pursuant to**  
35 this Section is eight thousand dollars. An award of penalties and attorney fees at any  
36 hearing on the merits shall be res judicata as to any and all claims for which penalties  
37 may be imposed ~~under~~ **pursuant to** this Section which precedes the date of the  
38 hearing. Penalties shall be assessed in the following manner:

39 \* \* \*

40 (2) This Subsection shall not apply ~~if~~ **in any of the following instances:**

1 (a) ~~If the~~ the claim is reasonably controverted or if such nonpayment results  
2 from conditions over which the employer or insurer had no control.

3 (b) If the claim is subject to the dispute resolution process provided in  
4 R.S. 23:1034.2(F).

5 \* \* \*

6 AMENDMENT NO. 15

7 On page 9, line 15, after "chiropractic" and before "of" change "therapy" to "treatment"

8 AMENDMENT NO. 16

9 On page 10, between lines 7 and 8 insert the following:

10 "Section 2. R.S. 23:1201.1(A), (B), (D), (E), (G) through (I), (J)(2) through (4),  
11 (K)(1)(introductory paragraph) and (2) through (5) are hereby amended and reenacted to  
12 read as follows:

13 §1201.1. Controversion of compensation and medical benefits

14 A. Upon the first payment of compensation ~~or upon any modification,~~  
15 ~~suspension, termination, or controversion of compensation or medical benefits for~~  
16 ~~any reason, including but not limited to issues of medical causation, compensability~~  
17 ~~of the claim, or issues arising out of R.S. 23:1121, 1124, 1208, and 1226, the~~  
18 employer or payor who has been notified of the claim, shall do all of the following:

19 (1) Prepare a "Notice of Payment, Modification, Suspension, Termination,  
20 or Controversion of Compensation ~~and/or or~~ Medical Benefits" on a LWC-WC  
21 1002 form or such other form as may be promulgated by the assistant secretary  
22 pursuant to the Administrative Procedure Act.

23 (2) Send the notice ~~of the initial indemnity payment required by Paragraph~~  
24 (1) of this Subsection to the injured employee ~~on the same day as~~ no later than ten  
25 business days after the first payment of compensation is made by the payor after the  
26 payor has received notice of the claim from the employer.

27 (3) Send a copy of the notice ~~of the initial payment of indemnity required~~  
28 by Paragraph (1) of this Subsection to the office ~~within ten days from the~~ on the  
29 same date the original notice was sent to the injured employee ~~or by facsimile to the~~  
30 ~~injured employee's representative.~~

31 B. ~~The form of the "Notice of Payment, Modification, Suspension,~~  
32 ~~Termination, or Controversion of Compensation and/or Medical Benefits" shall be~~  
33 ~~promulgated by the office~~ Upon any modification, suspension, termination, or  
34 controversion of compensation or medical benefits for any reason, including but  
35 not limited to issues of medical causation, compensability of the claim, or issues  
36 arising out of R.S. 23:1121, 1124, 1208, or 1226, the employer or payor shall do  
37 all of the following:

38 (1) Prepare a "Notice of Payment, Modification, Suspension,  
39 Termination, or Controversion of Compensation or Medical Benefits" on a  
40 LWC-WC 1002 form or such other form as may be promulgated by the  
41 assistant secretary pursuant to the Administrative Procedure Act.

42 (2) Send the notice required by Paragraph (1) of this Subsection to the  
43 injured employee within three business days after the effective date of the  
44 modification, suspension, termination, or controversion.

45 (3) Send a copy of the notice required by Paragraph (1) of this  
46 Subsection to the office on the same date the original notice was sent to the  
47 employee.

48 \* \* \*

49 D.(1) Any notice required to be sent to the injured employee pursuant  
50 to this Section shall be sent by certified mail or commercial carrier to the  
51 address at which the employee is receiving payment of indemnity benefits, by  
52 electronic mail to the employee's electronic mail address on file with the  
53 employer or payor or by hand delivery to the employee.



**Failure to file the motion to strike within the prescribed time period shall be deemed a waiver of any objection to the preliminary determination hearing.**

J.

\* \* \*

(2) The testimony of physicians may be introduced by certified records or deposition. The parties may agree to allow uncertified medical records and physician reports to be introduced into evidence. Witnesses may testify at the hearing or, if agreed on by the parties, ~~may offer testimony by introduction of a~~ deposition.

(3) The preliminary determination hearing shall be held no later than ninety days from the scheduling conference. However, upon a showing of good cause, one extension of an additional thirty days is permitted upon approval by the workers' compensation judge. The workers' compensation judge shall issue a preliminary determination no later than ~~thirty~~ **fifteen** days after the hearing.

(4) Any employer or payor requesting a preliminary determination hearing shall produce all documentation relied on by the employer or payor in calculating, modifying, suspending, terminating, or controverting the employee's benefits. These documents shall be disclosed to the employee or the employee's representative within ten **business** days of the request for the preliminary determination hearing.

K.(1) The employer or payor shall, within ten ~~calendar~~ **business** days of the mailing of the **preliminary** determination from the workers' compensation judge, do either of the following:

\* \* \*

(2) Any employer or payor who accepts and complies with the workers' compensation judge's determination within ten ~~calendar~~ **business** days, shall not be subject to any penalty or attorney fees arising out of the original notice which was the subject of the preliminary hearing.

(3) Any employer or payor who accepts and complies with the workers' compensation judge's determination, but who disagrees with such preliminary determination, shall notify the court within ten **business** days of receipt of the preliminary determination of his desire to proceed to a trial on the merits of the matters that were the subject of the preliminary hearing.

(4) Any employer or payor who does not accept the workers' compensation judge's determination or fails to comply with the determination within ten ~~calendar~~ **business** days, may, at the trial on the merits, be subject to penalties and attorney fees pursuant to R.S. 23:1201, arising out of the issues raised in the original notice of payment, modification, suspension, termination, or controversion of benefits, which was the subject of the preliminary hearing.

(5) Any injured employee who disagrees with the preliminary determination shall notify the court within ten **business** days of the receipt of such preliminary determination of his desire to proceed to a trial on the merits of the matters that were the subject of the preliminary hearing. If the employer or payor has accepted and complied with the preliminary hearing determination, the employer or payor shall also be entitled to litigate all issues including those issues presented at the preliminary determination hearing.

\* \* \*

Section 3. R.S. 23:1208(A) is hereby amended and reenacted to read as follows:

§1208. Misrepresentations concerning benefit payments; penalty

A.**(1)** It shall be unlawful for any person, for the purpose of obtaining or defeating any benefit or payment ~~under~~ **pursuant to** the provisions of this Chapter, either for himself or for any other person, to willfully make a false statement or representation. **The elements required for fraud provided for in this Paragraph are exclusive and no further requirements are necessary to establish fraud pursuant to this Section.**

**(2) Evidence that a false statement or representation does not alter a medical expert's opinion concerning causation or treatment of an injury or occupational disease compensable pursuant to this Chapter shall not be considered in defense to fraud as provided for in this Section, if the false**

statement or representation would be otherwise prohibited pursuant to Paragraph (1) of this Subsection.

\* \* \*

Section 4. R.S. 23:1021(introductory paragraph), 1123, 1221(introductory paragraph), (1)(d), and (3)(d)(introductory paragraph) and (ii) are hereby amended and reenacted and R.S. 23:1221(3)(a)(iii) is hereby enacted to read as follows:

§1021. Terms defined

As used in this Chapter, unless the context clearly indicates otherwise, the following terms shall have be given the meaning meanings ascribed to them in this Section:

\* \* \*

(16)(a) "Maximum Medical Improvement" or "MMI" means the employee's condition is unlikely to improve substantially with or without medical treatment.

(b) The fact that the employee requires or receives medical treatment to maintain his condition or to manage chronic pain shall not prevent a finding of maximum medical improvement.

\* \* \*

§1123. Disputes as to condition or capacity to work; ~~additional~~ Additional medical opinion regarding an examination under supervision of the assistant secretary

If any dispute arises as to the condition of the employee, including but not limited to the cause of the condition, whether the employee is at maximum medical improvement, 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 to be made by a medical practitioner selected and appointed by the assistant secretary. The medical examiner shall report his conclusions from the examination to the assistant secretary and to the parties and ~~such~~ the report shall be prima facie evidence of the facts ~~therein~~ stated in any subsequent proceedings ~~under~~ pursuant to this Chapter.

\* \* \*

§1221. Temporary total disability; permanent total disability; supplemental earnings benefits; permanent partial disability; schedule of payments

Compensation shall be paid ~~under~~ pursuant to this Chapter in accordance with the following schedule of payments:

(1) Temporary total.

\* \* \*

(d) An award of benefits based on temporary total disability shall cease when the physical condition of the employee has resolved itself to the point ~~that a reasonably reliable determination of the extent of disability of the employee may be made and the employee's physical condition has improved to the point that continued, regular treatment by a physician is not required~~ of maximum medical improvement (MMI). However, in no event shall benefits based on temporary total disability exceed a maximum of two hundred eight weeks. Termination of temporary total disability benefits pursuant to this Paragraph shall not preclude an award of benefits pursuant to Paragraphs (2), (3), or (4) of this Section.

\* \* \*

(3) Supplemental earnings benefits.

(a)

\* \* \*

(iii) An employee who has exhausted eligibility for temporary total disability benefits pursuant to Subparagraph (1)(d) of this Section shall be entitled to supplemental earnings benefits in the manner provided in this Section.

\* \* \*

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

\* \* \*

(ii) After receipt of a maximum of ~~five hundred twenty~~ **four hundred sixteen** weeks of benefits, provided that for any week during which the employee is paid any compensation under this Paragraph, the employer shall be entitled to a reduction of one full week of compensation against the maximum number of weeks for which compensation is payable under this Paragraph; however, for any week during which the employee is paid no supplemental earnings benefits, the employer shall not be entitled to a reduction against the maximum number of weeks payable under this Paragraph; or

\* \* \*

AMENDMENT NO. 17

On page 10, line 8, change "Section 2." to "Section 5."

AMENDMENT NO. 18

On page 17, line 17, change "Section 3." to "Section 6."

AMENDMENT NO. 19

On page 17, delete line 29 in its entirety and insert in lieu thereof the following:

"Section 7. R.S. 23:1201.1(A)(4) and (5) are hereby repealed in their entirety.  
Section 8. Beginning no later than June 30, 2029, the assistant secretary of the office"

AMENDMENT NO. 20

On page 18, delete lines 24 and 25 in their entirety and insert in lieu thereof the following:

"unless approved by the Senate and House committees on labor and industrial relations and the Senate and House committees on health and welfare, meeting separately or jointly. The legislature may approve, reject, or return"

AMENDMENT NO. 21

On page 19, delete lines 5 through 8 in their entirety and insert in lieu thereof the following:

Section 9. The provisions of Sections 1 and 7 shall only become effective upon approval by the Senate and House committees on labor and industrial relations and the Senate and House committees on health and welfare, meeting separately or jointly, of the updated fee schedule as required in Section 8 of this Act.

Section 10. The provisions of this Section and Sections 2, 3, 4, 5, 6, 8, and 9 shall become"