Regular Session, 2013

HOUSE BILL NO. 728 (Substitute for House Bill No. 606 by Representative Cromer)

BY REPRESENTATIVE CROMER AND SENATORS CORTEZ AND CROWE

1	AN ACT
2	To amend and reenact R.S. 23:1121(B)(1) and (5), 1124, 1201(H), 1208(F), (G), and (H),
3	1226(B)(3), 1310.8(B), 1314(E), and to enact R.S. 23:1021(13) and 1201.1, relative
4	to workers' compensation; to provide with respect to choice of physician; to provide
5	with respect to medical examinations; to provide with respect to the payment of
6	benefits; to provide for hearing procedures; to provide for notice requirements; to
7	provide with respect to the modification, suspension, termination, or controversion
8	of benefits; to provide for procedure; to provide for the payment of benefits for
9	rehabilitation of injured employees; to provide for disputes; and to provide for
10	related matters.
11	Be it enacted by the Legislature of Louisiana:
12	Section 1. R.S. 23:1121(B)(1) and (5), 1124,1201(H), 1208(F), (G), and (H),
13	1226(B)(3), 1310.8(B), and 1314(E) are hereby amended and reenacted and R.S.
14	23:1021(13) and 1201.1 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 the meaning ascribed to them in this Section:
18	* * *
19	(13) "Payor" means the entity responsible, whether by law or contract, for
20	the payment of benefits incurred by a claimant as a result of a work related injury.
21	* * *
22	§1121. Examination of injured employee
23	* * *

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B.(1) The employee shall have the right to select one treating physician in any field or specialty. The employee shall have a right to the type of an expedited summary proceeding provided for in R.S. 23:1124(B) pursuant to R.S. 23:1201.1 (K)(8), when denied his right to an initial physician of choice. The workers' compensation judge shall set the hearing date for the matter within three days of receiving the employee's motion for the expedited hearing. The hearing shall be held not less than ten nor more than thirty days after the employee or his attorney files the motion for an expedited hearing. The workers' compensation judge shall provide notice of the hearing date to the employer and insurer at the same time and in the same manner that notice of the hearing date is provided to the employee or his attorney. For the purposes of this Section, an employee shall not be required to submit the dispute on the choice of physician to mediation nor go through a pretrial conference before obtaining a hearing. The hearing shall be conducted as a rule to show cause. The workers' compensation judge shall order the employer or payor to authorize the claimant's choice of physician unless the employer or payor can show good cause for his refusal. After his initial choice the employee shall obtain prior consent from the employer or his workers' compensation carrier for a change of treating physician within that same field or specialty. The employee, however, is not required to obtain approval for change to a treating physician in another field or specialty.

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(5) If the employee fails or refuses to sign the form as provided in Subparagraph (2)(b) and Paragraph (3) of this Subsection, the employer or his insurer shall be entitled to seek an expedited hearing to be held within ten days, and upon order of the court, payor may suspend medical benefits until such time as the employee complies with Subparagraph (2)(b) and Paragraph (3) of this Subsection. Suspension of medical benefits by the employer or payor shall be made in accordance with the provisions of R.S. 23:1201.1(A)(4) and (5). When the employee

has filed a disputed claim, the employer or payor may move for an order to compel the employee to return the form.

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§1124. Refusal to submit to examination; effect on right to compensation

A: If the employee refuses to submit himself to a medical examination at the behest of the employer or an examination conducted pursuant to R.S. 23:1123, or in anywise obstructs the same, his right to compensation and to take or prosecute any further proceedings under this Chapter shall may be suspended by the employer or payor until the examination takes place. Such suspension of benefits by the employer or payor shall be made in accordance with the provisions of R.S. 23:1201.1(A)(4) and (5). When the employee has filed a disputed claim, the employer or payor may move for an order to compel the employee to appear for an examination. The employee shall receive at least fourteen days written notice prior to the examination. When a right to compensation is suspended no compensation shall be payable in respect to the period of suspension.

B. An employer or insurer who seeks to compel an employee's compliance with a medical examination shall be granted an expedited hearing. The workers' compensation judge shall set a hearing date for the matter within three days of receiving the employer's or insurer's motion. The hearing shall be held not less than ten nor more than thirty days after the employee, or his attorney, receives notice, delivered by certified or registered mail, of the employer's or insurer's motion. The workers' compensation judge shall provide notice of the hearing date to the employer and insurer at the same time, and in the same manner, that notice of the hearing date is provided to the employee or his attorney. For the purposes of this Section, an employer or insurer need not submit the dispute on the medical examination to mediation, nor go through a pretrial conference, before obtaining a hearing. The hearing shall be conducted as a rule to show cause. Unless the employee can show good cause for his refusal or obstruction of the medical examination, the workers'

1	compensation judge shall suspend the employee's compensation and prosecution
2	rights according to Subsection A of this Section.
3	* * *
4	§1201. Time and place of payment; failure to pay timely; failure to authorize;
5	penalties and attorney fees
6	* * *
7	H.(1) Upon making the first payment of compensation and upon
8	modification or suspension of payment for any cause, the employer or insurer shall
9	immediately send a notice to the office, in the manner prescribed by the rules of the
10	director, that payment of compensation has begun or has been suspended, as the case
11	may be. After February 1, 2013, a payor, which shall mean that entity which is
12	responsible by law or contract for the payment of benefits or medical expenses
13	incurred by the claimant as a result of an injury covered by this Chapter, shall do all
14	of the following:
15	(a) Prepare a notice of payment. The form for the notice of payment shall
16	be promulgated by the office pursuant to the Administrative Procedure Act.
17	(b) Send the notice of payment to the injured employee, or the employee's
18	representative, with the first payment of compensation.
19	(c) Send the notice of payment to the injured employee, or the employee's
20	representative, within ten days of a suspension or modification to compensation for
21	any cause or within ten days of the suspension or modification of the supplemental
22	earnings benefit.
23	(d) Send a copy of the notice of payment to the office within ten days from
24	the date that the original notice of payment was sent to the injured employee or the
25	employee's representative.
26	(2)(a) The injured employee or the employee's representative who disagrees
27	with any information provided on the notice of payment shall, in writing, notify the
28	payor of the basis for disagreement and provide the amounts believed appropriate.
29	(b) The payor, within five business days of receipt of the notice of
30	disagreement, shall do one of the following:

(i) Send a revised notice of payment along with a revised payment in accordance therewith to the injured employee or the employee's representative.

(ii) If the payor believes that the amount determined in the original notice of payment was correct, then the payor shall file a request for preliminary determination, on a form to be promulgated by the office, and shall provide a copy to the injured employee or the employee's representative.

- (c) The preliminary determination shall be performed by the director's designee, who shall be a workers' compensation judge specifically assigned to handle preliminary determinations. Such preliminary determination hearing shall occur within fifteen days of the filing of a request.
- (d) The injured employee, the employee's representative, the payor and the employer, which includes the direct employer of a statutory employee pursuant to R.S. 23:1061, shall participate in a preliminary determination hearing by phone. The workers' compensation judge may require any of these parties to produce relevant records necessary for the determination of compensation provided for in the notice of payment. No later than thirty days from the filing of the request for a preliminary determination, the workers' compensation judge shall provide, in writing, a recommended amount of compensation.
- (e) The payor shall, within ten calendar days of the mailing of the recommendation from the workers' compensation judge, either mail to the injured employee or the employee's representative a revised notice of payment with the recommended amount if such recommended amount is different from that which was previously provided on the initial notice of payment, or notify the injured worker or the employee's representative in writing that the payor does not accept the recommendation. No disputed claim for compensation regarding the amount of compensation due shall be filed until the provisions of this Subsection have been exhausted unless such a disputed claim is in regard to a payor's failure to provide a notice of payment as required by this Subsection. A payor who provides the compensation amounts due as recommended by the workers' compensation judge

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1	shall not be subject to any penalty and attorney fees regarding such calculation of the
2	compensation due and payment provided with the revised notice of payment.
3	(f) A payor who provides the compensation amounts due as recommended
4	by the workers' compensation judge's preliminary recommendation and who
5	disagrees with such preliminary recommendation shall file a disputed claim for
6	compensation within fifteen days of mailing the revised notice of payment and
7	compensation amount due.
8	(3) Within fourteen days after the final payment of compensation has been
9	made, the employer or insurer shall send a notice to the office, in the manner
10	prescribed by the rules of the director, stating:
11	(1) The name of the injured employee or any other person to whom
12	compensation has been paid, or both.
13	(2) The date of injury or death.
14	(3) The dates on which compensation has been paid.
15	(4) The total amount of compensation paid.
16	(5) The fact that final payment has been made.
17	* * *
18	§1201.1. Controversion of compensation and medical benefits
19	A. Upon the first payment of compensation or upon any modification,
20	suspension, termination, or controversion of compensation or medical benefits for
21	any reason, including but not limited to issues of medical causation, compensability
22	of the claim, or issues arising out of R.S. 23:1121, 1124, 1208, and 1226, the
23	employer or payor who has been notified of the claim, shall do all of the following:
24	(1) Prepare a "Notice of Modification, Suspension, Termination, or
25	Controversion of Compensation and/or Medical Benefits".
26	(2) Send the notice of the initial indemnity payment to the injured employee
27	on the same day as the first payment of compensation is made by the payor after the
28	payor has received notice of the claim from the employer.

1	(3) Send a copy of the notice of the initial payment of indemnity to the office
2	within ten days from the date the original notice was sent to the injured employee or
3	by facsimile to the injured employee's representative.
4	(4) Send the "Notice of Payment, Modification, Suspension, Termination,
5	or Controversion of Compensation and/or Medical Benefits" to the injured employee
6	by certified mail, to the address at which the employee is receiving payments of
7	compensation, on or before the effective date of a modification, suspension,
8	termination, or controversion.
9	(5) Send a copy of the "Notice of Payment, Modification, Suspension,
10	Termination, or Controversion of Compensation and/or Medical Benefits" to the
11	office on the same business day as sent to the employee or to his representative.
12	B. The form of the "Notice of Payment, Modification, Suspension,
13	Termination, or Controversion of Compensation and/or Medical Benefits" shall be
14	promulgated by the office.
15	C. The director shall make the notice available upon request by the employee
16	and the employee's representative.
17	D. If the injured employee is represented by an attorney, the notice shall also
18	be provided to the employee's representative by facsimile. Proof that the notice was
19	sent to the employee's representative by facsimile shall be prima facie evidence of
20	compliance with Subsection A of this Section.
21	E. The provisions of this Section shall not apply to questions of medical
22	necessity as provided by R.S. 23:1203.1.
23	F.(1) Any injured employee or his representative who disagrees with any
24	information provided on the notice form sent by the employer or payor, shall notify
25	the employer or payor of the basis for disagreement by returning the form to the
26	employer or payor as provided on the form, or by letter of amicable demand, and
27	provide any amounts of compensation he believes appropriate.
28	(2) No disputed claim shall be filed regarding any such disagreement unless
29	the notice required by this Section has been sent to the employer or payor who
30	initially sent the notice.

G.(1) If the employer or the payor provides the benefit that the employee claims is due, including any arrearage, on the returned form or letter of amicable demand within seven business days of receipt of the employee's demand, the employer or payor shall not be subject to any claim for any penalties or attorney fees arising from the disputed payment, modification, suspension, termination, or controversion.

(2) If the employer or payor does not provide the benefit that the employee claims is due, the employee may file a disputed claim for benefit provided it is filed within the prescriptive period established under R.S. 23:1209. If the prescription date of the claim occurs within the seven-day waiting period, the employee will be allowed to file a disputed claim without waiting the seven business days as provided in Paragraph (1) of this Subsection. However, the employer or payor shall still be allowed seven business days to provide the benefit that the employee claims is due, and if the employer does provide the benefit, the disputed claim will be moot regarding the issues arising out of the payment, suspension, modification, termination, or controversion of benefits. All other issues alleged in the disputed claim will be unaffected by the payment.

H. The employer or the payor who wishes to have a preliminary determination hearing shall request the hearing in his answer to the disputed claim arising from the notice of initial payment or any subsequent modification, suspension, termination, or notice of controversion. In cases where a disputed claim is already pending when an issue arises from a subsequent notice of payment, modification, suspension, termination, or controversion of benefits, such request shall be made in an amended pleading filed within fifteen days of the expiration of the seven-day period set forth in Paragraph (G)(1) of this Section.

I.(1) An employer or payor who has not complied with the requirements set forth in Subsection A through E of this Section or has not initially accepted the claim as compensable, subject to further investigation and subsequent controversion shall not be entitled to a preliminary determination. An employer or payor who is not entitled to a preliminary determination or who is so entitled but fails to request a

preliminary determination may be subject to penalties and attorney fees pursuant to R.S. 23:1201 at a trial on the merits or hearing held pursuant to Paragraph (K)(8) of this Section.

(2) If disputed by the parties, upon a rule to show cause held prior to the preliminary determination or any hearing held pursuant to this Section, the workers' compensation judge shall determine whether the employer is in compliance.

J.(1) Upon the filing of the request for a preliminary determination hearing, the workers' compensation judge shall initiate a telephone status conference with the parties to schedule the discovery deadlines and to facilitate the exchange of documents. The scope of the discovery will be limited to the issues raised in the disputed payment, suspension, modification, termination, or controversion of benefits. The preliminary determination hearing shall be a contradictory hearing at which all parties shall have the opportunity to introduce evidence.

- (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 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 days of the request for the preliminary determination hearing.

1 K.(1) The employer or payor shall, within ten calendar days of the mailing 2 of the determination from the workers' compensation judge, do either of the 3 following: 4 (a) Accept and comply with preliminary determination of the workers' compensation judge regarding the payment, suspension, modification, termination, 5 6 or controversion of benefits and mail a revised "Notice of Modification, Suspension, 7 Termination, or Controversion of Compensation and/or Medical Benefits" to the 8 injured employee or employee's representative, along with any payment amount 9 determined, and any arrearage due. 10 (b) Notify the injured employee or his representative in writing that the 11 employer or payor does not accept the determination. 12 (2) Any employer or payor who accepts and complies with the workers' 13 compensation judge's determination within ten calendar days, shall not be subject to any penalty or attorney fees arising out of the original notice which was the subject 14 15 of the preliminary hearing. 16 (3) Any employer or payor who accepts and complies with the workers' 17 compensation judge's determination, but who disagrees with such preliminary 18 determination, shall notify the court within ten days of receipt of the preliminary 19 determination of his desire to proceed to a trial on the merits of the matters that were 20 the subject of the preliminary hearing. 21 (4) Any employer or payor who does not accept the workers' compensation 22 judge's determination or fails to comply with the determination within ten calendar 23 days, may, at the trial on the merits, be subject to penalties and attorney fees 24 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 25 26 was the subject of the preliminary hearing. 27 (5) Any injured employee who disagrees with the preliminary determination 28 shall notify the court within ten days of the receipt of such preliminary determination 29 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

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the preliminary hearing determination, the employer or payor shall also be entitled

2	to litigate all issues including those issues presented at the preliminary determination
3	hearing.
4	(6) Any employer or payor who accepts and complies with the determination
5	of the workers' compensation judge, and who does not request to proceed to trial on
6	the merits of the matters that were the subject of the preliminary hearing, shall retain
7	the right to further controvert future matters. The workers' compensation judge's
8	determination shall not be considered an order concerning benefits due requiring
9	modification, nor shall the determination be considered res judicata of any matters
10	which were the subject of the preliminary hearing. The acceptance of the
11	preliminary determination by the employer or payor shall not be considered an
12	admission.
13	(7) In matters where the employee has filed a disputed claim and the
14	employer or payor is not entitled to a preliminary determination, the matter shall
15	proceed to trial on the merits.
16	(8)(a) Upon motion of either party, whether or not the employer or payor is
17	entitled to a preliminary determination, the workers' compensation judge's ruling in
18	a hearing shall be conducted as an expedited summary proceeding and shall be
19	considered an order of the court and not requiring a further trial on the merits, if it
20	concerns any of the following matters:
21	(i) The employee has sought choice of physician pursuant to R.S.
22	23:1121(B)(1).
23	(ii) The employee has filed a claim pursuant to R.S. 23:1226(B)(3)(a).
24	(iii) The employer or payor seeks to compel the employee to sign the choice
25	of physician form pursuant to R.S. 23:1121(B)(5).
26	(iv) The employer or payor seeks to compel the employee's submission to
27	a medical examination pursuant to R.S. 23:1124.
28	(v) The employer seeks to require the employee to return form LWC-1025
29	<u>or LWC-1020.</u>

1	(vi) The employee seeks to have a suspension of benefits for failure to
2	comply with R.S. 23:1121(B)(1) lifted.
3	(vii) The employee seeks to have a suspension of benefits for failure to
4	submit to a medical examination lifted.
5	(viii) The employee seeks to have a suspension of benefits for failure to
6	comply with R.S. 23:1208(H) lifted.
7	(ix) The employee seeks to have a reduction in benefits for failure to
8	cooperate with vocational rehabilitation lifted.
9	(b)(i) The workers' compensation judge shall set the expedited summary
10	proceeding hearing date pursuant to R.S. 23:1201.1(K)(8)(a)(iii), (iv), and (v) within
11	three days of receiving the employer's motion for the expedited hearing. The hearing
12	shall be held not less than ten nor more than thirty days after the motion has been
13	<u>filed.</u>
14	(ii) The workers' compensation judge shall provide the notice of the hearing
15	date to the employee or his attorney at the same time and in the same manner that the
16	notice of the hearing date is provided to the employer or payor.
17	(iii) For the purposes of this Section, the party seeking an expedited hearing
18	shall not be required to submit the dispute to mediation or go through a pretrial
19	conference before obtaining a hearing. The hearing shall be conducted as a rule to
20	show cause.
21	(c) The workers' compensation judge shall order the employee to sign the
22	choice of physician form, enforce the employee's submission to the medical
23	examination, or provide the LWC-1020 or LWC-1025 form as applicable unless the
24	employee can show good cause for his refusal.
25	(d) If the employee seeking relief pursuant to this Paragraph can show good
26	cause for his refusal, the workers' compensation judge shall order the suspension or
27	reduction in benefits lifted and the payment of any arrearage due. If the employee
28	fails to show good cause for refusal, the workers' compensation judge shall order the
29	suspension or reduction in benefits to continue until the employee complies.

1	(e) An employer or payor who is entitled to a preliminary determination and
2	who complies with an order of the court issued pursuant to a hearing held in
3	accordance with Paragraph (K)(8) of this Section within ten calendar days shall not
4	be subject to any penalty or attorney fees arising out of the original notice which was
5	the subject of the hearing.
6	L. Notwithstanding any provision in this Section to the contrary, the failure
7	to comply with any provision of this Section shall not itself be considered a failure
8	to reasonably controvert benefits; however, failure of the employer or payor to
9	comply shall result in loss of penalty and attorney fee protections provided in this
10	Section.
11	* * *
12	§1208. Misrepresentations concerning benefit payments; penalty
13	* * *
14	F. Whenever the employer reports an injury to the office pursuant to R.S.
15	23:1306, the employer and employee shall certify their compliance with this Chapter
16	to the employer's insurer payor on a form prescribed by the director, which form
17	shall include all of the following information:
18	(1) A summary of the fines and penalties for workers' compensation fraud.
19	(2) The names, addresses, phone numbers, and signatures of the employee
20	and the employer.
21	(3) The fine or penalty that may be imposed for failure to report to the
22	insurer payor as required by this Section.
23	G. Whenever an employee receives benefits pursuant to this Chapter for
24	more than thirty days, the employee shall upon reasonable request report his other
25	earnings to his employer's insurer payor on a form prescribed by the director and
26	signed by the employee.
27	H.(1) Whenever an employee fails to report to his employer's insurer payor
28	as required by this Section within fourteen days of his receipt of the appropriate
29	form, the employer or payor may suspend the employee's right to benefits as

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provided in this Chapter may be suspended. If otherwise eligible for benefits, the

employee shall be entitled to all of the suspended benefits after the form has been provided to the insurer payor. Suspension of benefits by the employer or payor shall be made in accordance with the provisions of R.S. 23:1201.1(A) through (E). The employer or payor may move for an order to compel the employee to return the form.

- (2) Whenever an employer fails to report to its <u>insurer payor</u> as required by this Section, the employer may be subject to a penalty of five hundred dollars, payable to the <u>insurer payor</u>.
- (3) The insurer payor may request a suspension of benefits or an assessment of a penalty for the employer's failure to report as provided in this Subsection by filing a form LDOL-WC-1008 with the director.

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§1226. Rehabilitation of injured employees

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(3)(a) The employer shall be responsible for the selection of a licensed professional vocational rehabilitation counselor to evaluate and assist the employee in his job placement or vocational training. Should the employer refuse to provide these services, or a dispute arises concerning the work of the vocational counselor, the employee may file a claim with the office to review the need for such services or the quality of services being provided. The procedure for hearing such claims shall be expedited as provided in R.S. 23:1124. employee shall have a right to an expedited summary proceeding pursuant to R.S. 23:1201.1(K)(8). The workers' compensation judge shall set a hearing date within three days of receiving the motion. The hearing shall be held not less than ten, nor more than thirty days, after the employer or payor receives notice, delivered by certified or registered mail, of the employee's motion. The workers' compensation judge shall provide notice of the hearing date to the employer and payor at the same time and in the same manner that notice of the hearing date is provided to the employee or his attorney. For the purposes of this Section, an employee shall not be required to submit the dispute on

1	the issue of vocational services to mediation or go through a pretrial conference
2	before obtaining a hearing. The hearing shall be conducted as a rule to show cause.
3	(b) An employee shall have no right of action against a vocational counselor
4	for tort damages related to the performance of vocational services unless and until
5	he has exhausted the administrative remedy provided for in Subparagraph (a) of this
6	Paragraph. The running of prescription shall be suspended during the pendency of
7	the administrative proceedings provided for in this Paragraph.
8	(c) The expedited procedure shall also be made available to the employer to
9	require the employee's cooperation in the rehabilitation process. Refusal to accept
10	rehabilitation as deemed necessary by the worker's compensation judge shall result
11	in a fifty percent reduction in Upon refusal by the employee, the employer or payor
12	may reduce weekly compensation, including supplemental earnings benefits pursuant
13	to R.S. 23:1221(3), by fifty percent for each week of the period of refusal.
14	Reduction of benefits by the employer or payor shall be made in accordance with the
15	provisions of R.S. 23:1201.1(A) through (E).
16	* * *
17	§1310.8. Jurisdiction continuing; determining as to final settlement
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19	B. Upon the application motion of any party in interest, on the ground of a
20	change in conditions, the workers' compensation judge may, after a contradictory
21	hearing, review any award, and, on such review, may make an award ending,
22	diminishing, or increasing the compensation previously awarded, subject to the
23	maximum or minimum provided in the Workers' Compensation Act, and shall state
24	his conclusions of fact and rulings of law, and the director shall immediately send
25	to the parties a copy of the award.
26	* * *
27	§1314. Necessary allegations; dismissal of premature petition; dispute of benefits
28	* * *
29	E.(1) Notwithstanding any other provision of this Section, the employer shall
30	be permitted to file a disputed claim to controvert benefits or concerning any other

HB NO. 728 **ENROLLED** dispute arising under this Chapter or payor shall be permitted to file a disputed claim against an employee, his dependent, or beneficiary only when the employer or payor alleges the employee, his dependant, or beneficiary has committed fraud as provided in R.S. 23:1208 which caused the employer or payor to pay a benefit which was not due to the employee, his dependant, or beneficiary; or when the employer or payor is an aggrieved party appealing a decision of the medical director pursuant to R.S. 23:1203.1(K). (2) Notwithstanding any other provision of this Section, the employer or payor shall be permitted to file a disputed claim against a person or entity other than an injured employee, his dependent, or beneficiary concerning any other dispute arising under this Chapter. Section 2. This Act is declared to be remedial, curative, and procedural and therefore is to be applied retroactively as well as prospectively. However, should any provision of this Act be declared to apply prospectively only, all provisions of this Act shall be applied prospectively only. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE

APPROVED: ____

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GOVERNOR OF THE STATE OF LOUISIANA