
DIGEST

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HB 661 Original

2020 Regular Session

Hodges

Abstract: Provides relative to vocational rehabilitation education and training programs for injured employees.

Present law provides that when an employee has suffered an injury that precludes the employee from earning wages that would have received prior to his injury, the employee is entitled to prompt rehabilitation services.

Proposed law retains present law and further provides that a vocational rehabilitation assessment shall be scheduled within 30 days of the request by either party, regardless if the employee has reached maximum medical improvement or has been released to restricted duty.

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 provides that the goal of rehabilitation services is to return a worker with a disability to work suited to his education and marketable skills, through job placement, or an on-the-job training or a training program as determined through a vocational rehabilitation assessment provided by a licensed rehabilitation counselor

Proposed law provides that if a licensed rehabilitation counselor believes that additional education or training is required to enable the employee to earn at least 90% of his previous average weekly wage, the counselor may recommend a training or education program for up to 52 weeks. Proposed law further provides that additional time for training or education may be granted at the discretion of the carrier or upon order of the court.

Present law provides that the employer shall be responsible for selecting the licensed professional vocational rehabilitation counselor to evaluate and assist the employee in job placement or vocational training. If the employer refuses 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 the services being provided.

Proposed law retains present law and further allows the employee to choose a vocational rehabilitation counselor.

Present law provides that upon refusal by the employee, the employer or payor can request a hearing and have the weekly compensation reduce by 50% for each week during the period of refusal.

Proposed law provides that when the employee refuses to participate in vocational rehabilitation services, the employer or payor can request a hearing and have the weekly compensation reduce by 50% for each week during the period of refusal.

Proposed law provides that the employer shall have a right to an expedited summary proceeding. Further, the workers' compensation judge shall set a hearing date within three days of receiving the motion. Moreover, the hearing shall be conducted as a rule to show cause and it shall not be held no less than 10 and no more than 30 days after the employee receives notice, by certified or registered mail, of the employer's motion. Proposed law further provides that the workers' compensation judge will provide notice of the hearing date to the employee or his representative at the same time and manner that the notice of the hearing date is provided to the employer or payor.

Proposed law provides that an employer shall not be required to submit a dispute concerning reduction of weekly benefits to mediation or be required to go through a pretrial conference before obtaining a hearing.

Present law provides that when a retraining program is necessary and desirable to restore the injured employee to suitable gainful employment, the employee shall be entitled to a reasonable and proper training program for a period not to exceed 26 weeks. Present law further provides that no employer or insurer shall be precluded from continuing such retraining beyond such a period on a voluntary basis.

Proposed law provides that when a retraining program is necessary and desirable to restore the injured employee to suitable gainful employment, the employee shall be entitled to a reasonable and proper training program. Proposed law further provides that no employer or insurer shall be precluded from retraining on a voluntary basis.

Present law provides that an injured employee must request and being retraining within two years from the date of termination of temporary total disability as determined by a treating physician. If a retraining program requires residence at or near the facility or institution and away from the employee's customary residence then the employer or insurer shall borne reasonable costs for board, lodging, or travel. Present law further provides that a retraining program shall be performed at facilities within the state, if such facilities are available.

Proposed law retains present law.

(Amends R.S. 23:1226(A),(B)(1) and (3)(a) and (c), (E), and (G))