

2020 Regular Session

HOUSE BILL NO. 218

BY REPRESENTATIVE FRIEMAN

WORKERS COMPENSATION: Provides relative to requests made for medical examinations

1 AN ACT

2 To amend and reenact R.S. 23:1317.1(A), relative to workers' compensation; to provide for  
3 requests for medical examinations; to prohibit the cancellation of a request for  
4 medical examinations under certain circumstances; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1317.1(A) is hereby amended and reenacted to read as follows:

8 §1317.1. Additional medical opinion regarding medical examinations

9 A. Any party wishing to request an additional medical opinion regarding a  
10 medical examination of the claimant pursuant to R.S. 23:1123 and 1124.1 shall be  
11 required to make its request at or prior to the ~~pretrial~~ scheduling conference. If the  
12 request is made for a medical examination of the claimant pursuant to R.S. 23:1123  
13 at or prior to the scheduling conference, the request shall not be cancelled by the  
14 workers' compensation judge unless the objecting party, pursuant to Subsection F of  
15 this Section, proves by clear and convincing evidence that the criteria for a medical  
16 examination pursuant to R.S. 23:1123 have not been met. Requests for additional  
17 medical opinions regarding medical examinations made after that time shall be  
18 denied except for good cause or if it is found to be in the best interest of justice to  
19 order such examination.

20 \* \* \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 218 Reengrossed

2020 Regular Session

Frieman

**Abstract:** Provides that a request made for a medical examination at or prior to a scheduling conference for a workers' compensation claim cannot be cancelled unless provided by the exception.

Present law provides that any party wishing to request an additional medical opinion for a medical examination is required to make such a request at or prior to the pretrial conference. However, requests for additional medical opinions made after such a time shall be denied except for good cause or if in the best interest of justice.

Proposed law provides that if a request for a medical examination is made at or prior to the scheduling conference, the medical examination cannot be cancelled by the workers' compensation judge unless the objecting party proves by clear and convincing evidence that the present law (R.S. 23:1123) criteria for a medical examination have not been met.

(Amends R.S. 23:1317.1(A))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Clarify that a request for an additional medical opinion regarding a medical examination shall be made at the scheduling conference, not the pretrial conference.