

SENATE BILL NO. 162

BY SENATOR SEABAUGH

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AN ACT

To amend and reenact R.S. 23:1203.1(K), relative to the workers' compensation medical treatment schedule; to provide for appeals; to provide for the admissibility of evidence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1203.1(K) is hereby amended and reenacted to read as follows:  
§1203.1. Definitions; medical treatment schedule; medical advisory council

\* \* \*

K. After the issuance of the decision by the medical director or associate medical director of the office, any party who disagrees with the decision may then appeal by filing a "Disputed Claim for Compensation", which is LWC Form 1008, within forty-five days of the date of the issuance of the decision. The decision may be overturned when it is shown, by clear and convincing evidence, the decision of the medical director or associate medical director was not in accordance with the provisions of this Section. **The party who filed the appeal shall notify the medical director that he has done so within ten days. The medical director shall compile and forward the entire record used by the medical director in issuing the decision to the district hearing office within fifteen days of receiving the notice. The record shall be made available to the parties upon request. At the hearing on the appeal, if no evidence in addition to the record is introduced, the workers' compensation judge shall either affirm or reverse the decision of the medical director based upon the record that was before the medical director. If additional evidence that was not submitted to the medical director is introduced at the hearing, then the judge shall remand the case to the medical director for consideration of the additional evidence. Following remand, the medical director shall render a new decision after considering the additional**

1 evidence within thirty days of the remand. If the medical director takes no  
2 action within thirty days of the remand order, the judge shall decide the appeal  
3 based upon the entire record.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_