

Regular Session, 2012

HOUSE BILL NO. 1083

BY REPRESENTATIVE PYLANT

WORKERS COMPENSATION: Provides relative to the forfeiture of certain benefits while incarcerated

1 AN ACT

2 To amend and reenact R.S. 23:1201.4, relative to workers' compensation; to provide for the
3 forfeiture of certain benefits while incarcerated; to provide with respect to work
4 release; to provide with respect to a transitional work program; to provide with
5 respect to medical benefits; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1201.4 is hereby amended and reenacted to read as follows:

8 §1201.4. Forfeiture of benefits while incarcerated; exclusions; medical expenses

9 A. The employee's right to compensation benefits, including medical
10 expenses, is forfeited during any period of incarceration, unless a workers'
11 compensation judge finds that an employee has dependents who rely on a
12 compensation award for their support, in which case said compensation shall be
13 made payable and transmitted to the legal guardian of the minor dependent or other
14 person designated by the workers' compensation judge and such payments shall be
15 considered as having been made to the employee. After release from incarceration,
16 the employee's right to claim compensation benefits shall resume. An employee who
17 is incarcerated but is later found to be not guilty of felony criminal charges or against
18 whom all felony charges have been dismissed by the prosecutor shall have the
19 prescriptive period for filing a claim for benefits under this Chapter extended by the
20 number of days he was incarcerated.

- 1 B. The provisions of this Section shall not be construed to limit the
2 obligation by the workers' compensation insurer to pay any emergency medical
3 expenses to a private health care provider and shall not apply to any medical
4 expenses incurred when an employee has been assigned to a work release or
5 transitional work program and has been injured as a result of such assignment.
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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)]

Pylant

HB No. 1083

Abstract: Provides with respect to workers' compensation benefits and medical expenses for incarcerated employees.

Present law provides that an injured employee has no right to workers' compensation benefits during a period of incarceration.

Present law provides that if the incarcerated injured worker has a dependent who relies on the compensation for support, a workers' compensation judge may order that the compensation is paid to the dependent's guardian.

Present law provides that the injured employee is eligible to resume collection of compensation benefits upon his release from incarceration.

Present law provides that if the injured employee is later found to be not guilty of the felony charges, that the prescriptive period for filing a claim will be extended for the number of days in which he was incarcerated.

Proposed law provides that present law shall not apply to medical expenses incurred when an employee has been assigned to work release or a transitional work program and is injured during his participation in such program.

Proposed law further provides that present law shall not be construed to limit the obligation of the workers' compensation insurer to pay any emergency medical expenses to a private health care provider.

(Amends R.S. 23:1201.4)