

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

- 1 B. When an employee has been assigned to a work release or transitional
 2 work program and has been injured as a result of such assignment, the provisions of
 3 this Section shall not be construed to limit the obligation of the employer to pay
 4 medical expenses to a health care provider when such medical expenses would be
 5 otherwise compensable under the Workers' Compensation Act.
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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 an employer to pay medical expenses that would otherwise be compensable under the Workers' Compensation Act.

(Amends R.S. 23:1201.4)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill.

1. Provided that nothing shall limit an employer's obligation to pay medical expenses that are otherwise compensable under the Workers' Compensation Act.