

Regular Session, 2013

SENATE BILL NO. 181

BY SENATOR CORTEZ

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WORKERS' COMPENSATION. Provides for the qualifications and duties of the medical director within the office of workers' compensation. (8/1/13)

1 AN ACT

2 To amend and reenact R.S. 23:1203.1(A)(3) and (4), and (I) and to enact R.S.

3 23:1203.1(A)(5), relative to workers' compensation; to provide for the medical

4 director; to provide relative to the medical treatment schedule; to provide for

5 exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1203.1(A)(3) and (4) and (I) are hereby amended and reenacted
8 and R.S. 23:1203.1(A)(5) is hereby enacted to read as follows:

9 §1203.1. Medical treatment schedule; medical advisory council

10 A. For use in this Section, the following terms shall have the following
11 meanings, unless clearly indicated otherwise by the context:

12 * * *

13 **(3) "Medical director" means a physician who meets all of the following**
14 **criteria:**

15 **(a) Is licensed to practice medicine in the state of Louisiana.**

16 **(b) Is chosen by the director of the office of workers' compensation**
17 **administration pursuant to Paragraph (F)(5) of this Section.**

1 **(c) Is a full-time public employee of the office of workers' compensation**
2 **administration and shall not engage in the practice of medicine outside the**
3 **office of workers' compensation administration.**

4 ~~3:(4)~~ "Office" means the office of workers' compensation administration of
5 the Louisiana Workforce Commission.

6 ~~(4)(5)~~ "Schedule" means the medical treatment schedule to be developed by
7 the council and promulgated by the office and the director.

8 * * *

9 I.**(1)** After the promulgation of the medical treatment schedule, throughout
10 this Chapter, and notwithstanding any provision of law to the contrary, medical care,
11 services, and treatment due, pursuant to R.S. 23:1203, et seq., by the employer to the
12 employee shall mean care, services, and treatment in accordance with the medical
13 treatment schedule, **except in the following circumstances:**

14 **(a) Routine office visits with the injured employee's treating physician**
15 **so long as the number of routine office visits is not greater than twelve visits per**
16 **annum.**

17 **(b) The frequency of prescribed physical therapy treatments shall not**
18 **be subject to review by the medical director unless the number of visits**
19 **prescribed exceeds the total number of visits allowed under the medical**
20 **treatment schedule.**

21 **(2)** Medical care, services, and treatment that varies from the promulgated
22 medical treatment schedule shall also be due by the employer when it is
23 demonstrated to the medical director of the office by a preponderance of the
24 scientific medical evidence, that a variance from the medical treatment schedule is
25 reasonably required to cure or relieve the injured worker from the effects of the
26 injury or occupational disease given the circumstances.

27 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

Present law provides that the director of the office of workers' compensation shall have the authority to contract with a medical director.

Proposed law retains present law but defines "medical director" to mean a physician who meets all of the following criteria:

- (1) Is licensed to practice medicine in the state of La.
- (2) Is chosen by the director of the office of workers' compensation as is provided in present law.
- (3) Is a full-time public employee of the office of workers' compensation and will not engage in the practice of medicine outside the office of workers' compensation.

Present law provides that medical treatment owed to the injured employee shall be done in accordance with the medical treatment schedule.

Proposed law retains present law but provides that the following medical treatment shall not need the approval of the medical director:

- (1) Routine office visits with the injured worker's treating physician as long as the number of routine office visits is no greater than twelve visits each year.
- (2) The frequency of prescribed physical therapy treatments will not be subject to review by the medical director unless the number of visits prescribed exceeds the total number of visits allowed under the medical treatment schedule.

Effective August 1, 2013.

(Amends R.S. 23:1203.1(A)(3) and (4) and (I); adds R.S. 23:1203.1(A)(5))