

Regular Session, 2013

HOUSE BILL NO. 450

BY REPRESENTATIVE IVEY

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

WORKERS COMPENSATION: Provides with respect to the medical treatment schedule

1 AN ACT

2 To amend and reenact R.S. 23:1203.1(J) and (M), relative to the workers' compensation
3 medical treatment schedule; to provide with respect to the medical advisory council;
4 to provide with respect to the medical director; to provide for supporting scientific
5 evidence for treatment; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1203.1(J) and (M) are hereby amended and reenacted to read as
8 follows:

9 §1203.1. Medical treatment schedule; medical advisory council

10 * * *

11 J.(1) After a medical provider has submitted to the payor the request for
12 authorization and the information required by the Louisiana Administrative Code,
13 Title 40, Chapter 27, the payor shall notify the medical provider of their action on
14 the request within five business days of receipt of the request. If any dispute arises
15 after January 1, 2011, as to whether the recommended care, services, or treatment is
16 in accordance with the medical treatment schedule, or whether a variance from the
17 medical treatment schedule is reasonably required as contemplated in Subsection I
18 of this Section, any aggrieved party shall file, within fifteen calendar days, an appeal
19 with the office of workers' compensation administration medical director on a form
20 promulgated by the director. The medical director shall render a decision as soon as

1 is practicable, but in no event, not more than thirty calendar days from the date of
2 filing.

3 (2) Should a conflict of interest exist involving any medical director and any
4 party to an appeal, the office of workers' compensation administration shall contract
5 with other medical directors who shall render a decision as soon as practicable, but
6 no longer than thirty calendar days from the date of filing.

7 * * *

8 M.(1) With regard to all treatment not covered by the medical treatment
9 schedule promulgated in accordance with this Section, all medical care, services, and
10 treatment shall be in accordance with Subsection D of this Section.

11 (2) Notwithstanding any other provision of this Chapter, all treatment not
12 specified in the medical treatment schedule and not found in Subsection D of this
13 Section, shall be due by the employer when it is demonstrated to the medical
14 director, by a preponderance of the scientific medical evidence, and in accordance
15 with Subsection C of this Section, that supports approval of the treatment that is not
16 covered.

17 * * *

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)]

Ivey HB No. 450

Abstract: Provides alternatives for cases in which there exist conflicts with the medical director or cases in which the recommended treatment is not outlined specifically in the medical treatment guidelines.

Present law provides procedure for submitting claims for workers' compensation reimbursement.

Present law (R.S. 23:1203.1(J)) provides that if a dispute arises regarding medical care, the aggrieved party shall file an appeal with the office of workers' compensation administration (OWCA) medical director.

Proposed law retains present law but provides that if a conflict exists between any medical director and any party to the appeal, OWCA shall contract with other medical directors.

Proposed law requires that in the event of a conflict described in proposed law, the alternate medical director(s) shall render a decision within 30 calendar days.

Present law (R.S. 23:1203.1(M)) provides that all medical treatment not covered by the medical treatment schedule shall be in accordance with present law (R.S. 23:1203.1(D)).

Present law (R.S. 23:1203.1(D)) provides that medical treatment guidelines shall be based on the following criteria:

- (1) Rely on specified, comprehensive, and ongoing systematic medical literature review.
- (2) Contain published criteria for rating studies and for determining the overall strength of the medical evidence, including the size of the sample, whether the authors and researchers had any financial interest in the product or service being studied, the design of the study and identification of any bias, and the statistical significance of the study.
- (3) Are current and the most recent version produced, which shall mean that documented evidence can be produced or verified that the guideline was developed, reviewed, or revised within the previous five years.
- (4) Are interdisciplinary and address the frequency, duration, intensity, and appropriateness of treatment procedures and modalities for all disciplines commonly performing treatment of employment-related injuries and diseases.
- (5) Are, by statute or rule, adopted by any other state regarding medical treatment for workers' compensation injuries, diseases, or conditions.

Proposed law retains present law and further provides that in instances in which a treatment is not covered by the medical treatment schedule, the employer is liable to pay when it has been demonstrated by a preponderance of scientific evidence to the medical director, in accordance with present law (R.S. 23:1203.1(C)), that the treatment is appropriate.

(Amends R.S. 23:1203.1(J) and (M))

Summary of Amendments Adopted by House

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

1. Provided that if there is a conflict of interest between any party to the appeal and any medical director, that OWCA shall contract with other medical directors.
2. Provided that when treatment is not covered by the medical treatment schedule, payment is due by the employer when the employee can demonstrate to the medical director, by preponderance of the scientific evidence, and in accordance with present law, which provides for best available external clinical evidence from systematic research, that treatment is appropriate.