

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

Prior law (R.S. 23:1203.1(J)) provided 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.

New law authorizes the director to hire an associate medical director and provides for his qualifications.

New law defines associate medical director and medical director.

New law provides that if a conflict of interest exists among any party to the suit, the director or the associate medical director, that the conflict shall be communicated, in writing, to the director, who shall make a determination within two business days on whether a conflict exists.

New law requires that in the event of a conflict of interest, the director shall notify the patient, the physician, and if represented, the attorney, within two business days.

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

Prior law (R.S. 23:1203.1(D)) provided 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.

New law retains prior 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 the scientific evidence to the medical director, in accordance with prior law (R.S. 23:1203.1(C)), that the treatment is appropriate.

Effective August 1, 2013.

(Amends R.S. 23:1203.1(A), (J), (K), and (M); Adds R.S. 23:1203.1.1)