

Regular Session, 2012

HOUSE BILL NO. 498

BY REPRESENTATIVE DIXON

WORKERS COMPENSATION: Provides for access to data from workers' compensation insurers for fraud detection

1 AN ACT

2 To amend and reenact R.S. 23:1293(A)(1) and to enact R.S. 23:1291.2, relative to workers'  
3 compensation; to provide that payors shall make certain information available; to  
4 provide for confidentiality; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:1293(A)(1) is hereby amended and reenacted and R.S. 23:1291.2  
7 is hereby enacted to read as follows:

8 §1291.2. Access to payors' records; fraud identification

9 A. Each payor, as defined by R.S. 23:1142, shall make his claims and  
10 payment data, if such data are maintained, available to the office of workers'  
11 compensation administration for the purpose of identifying violations of this  
12 Chapter.

13 B. The director of the office of workers' compensation administration may  
14 designate the data to be reproduced, copied, or utilized at his discretion to verify that  
15 employers and claimants are not engaging in fraudulent activities. Notwithstanding  
16 any other provision of law to the contrary, any data produced or inspected pursuant  
17 to this Section shall remain confidential and privileged and are not subject to  
18 discovery or subpoena in any legal proceeding, except in the prosecution of persons  
19 or corporations according to R.S. 23:1170, et seq. The Louisiana Workforce



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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)]

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Dixon

HB No. 498

**Abstract:** Requires that a payor responsible for the payment of the medical expenses incurred as a result of a work related injury shall give the office of workers' compensation administration (OWCA) access to certain records for fraud detection.

Proposed law provides that any payor responsible for the payment of the medical expenses incurred by a claimant as a result of a work related injury shall make his records available to the OWCA for review.

Proposed law provides that the data will remain confidential and is not subject to subpoena or discovery in any legal proceeding, except as otherwise provided by law.

Proposed law authorizes LWC to promulgate rules and regulations necessary to carry out the provisions of proposed law.

Proposed law allows the director of the OWCA to review and reproduce the data at his discretion to verify that employers and claimants are free from fraudulent activities.

Present law provides for the confidentiality of workers' compensation records.

Present law provides that all data produced pursuant to present law and all safety records relative to the Insurance Cost Containment Act or the OSHA 7(c)(1) program shall be confidential and privileged.

Proposed law adds proposed law to the records that shall be confidential and privileged.

(Amends R.S. 23:1293(A)(1); Adds R.S. 23:1291.2)

Summary of Amendments Adopted by House

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

1. Changed the terms "insurers and self-insured employers" to "payors".
2. Changed the director's ability to examine records from the ability to examine records and databases to verify that an insurer or self-insured employer is not engaging in fraudulent activity to the ability to examine currently maintained claims and payment data to ensure that employers and claimants are not engaging in fraudulent activity.