

ACT No. 88

Regular Session, 2012

HOUSE BILL NO. 498

BY REPRESENTATIVE DIXON

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  
20 Commission shall have the authority to promulgate rules and regulations necessary  
21 to implement the provisions of this Section.

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23 §1293. Confidentiality of records; exceptions; penalties for violation

24 A.(1) All medical records of an employee, all records of payment of  
25 compensation to an employee or his dependent, all records with respect to the

1 rehabilitation or attempted rehabilitation of an injured employee, all employer  
 2 reports of injury as required by R.S. 23:1306, all claims by an employee or his  
 3 dependent filed pursuant to R.S. 23:1310, records submitted to the Louisiana  
 4 Workers' Compensation Second Injury Board concerning claims for reimbursement  
 5 arising out of a claim by an employee or his dependent filed pursuant to Chapter 10  
 6 of this Title, including but not limited to any and all records submitted for requests  
 7 for reimbursement, documents maintained in the claim files regarding  
 8 reimbursement and settlement requests, and all records submitted pursuant to R.S.  
 9 ~~23:1378(A)(7)~~ 23:1378(A)(5), all safety plans pursuant to R.S. 23:1291(B)(4), ~~and~~  
 10 all safety records of the OSHA section obtained in connection with the Insurance  
 11 Cost Containment Act or the OSHA 7(c)(1) program, and all data produced pursuant  
 12 to R.S. 23:1291.2, shall be confidential and privileged, shall not be public records,  
 13 and shall not be subject to subpoena, except that records of the office may be  
 14 produced in response to an order of a workers' compensation judge based upon his  
 15 finding that the record is relevant and necessary to the resolution of a disputed claim  
 16 pending before the office. Such confidentiality and privilege shall be strictly  
 17 maintained by the director and all employees of the office except as provided above  
 18 or in Subsection B of this Section and shall be used exclusively for the purpose of  
 19 discharging the duties and responsibilities of the office under this Chapter.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_