

Regular Session, 2014

SENATE BILL NO. 374

BY SENATOR MARTINY

WORKERS' COMPENSATION. Provides for workers compensation rules and regulations relative to medical benefits. (8/1/14)

1 AN ACT
2 To enact R.S. 23:1213, related to workers' compensation; to provide with respect to rules
3 and regulations; to require financial analysis of impact on health care providers prior
4 to adoption of certain rules; to require financial impact statements under certain
5 circumstances; to provide for nullification of a rule in certain circumstances; and to
6 provide for related matters.
7 Be it enacted by the Legislature of Louisiana:
8 Section 1.R.S. 23:1213 is hereby enacted to read as follows:
9 **§1213. Rules and regulations; financial impact on health care providers**
10 **A. Notwithstanding any provision of law to the contrary, the Louisiana**
11 **Workforce Commission shall not cause to be published any notice of intent or**
12 **emergency rule in the Louisiana Register which is related to medical benefits**
13 **provided under the workers' compensation program without first conducting**
14 **a financial analysis and preparing a financial impact statement that shall**
15 **include all of the following:**
16 **(1) An identification and estimate of the classes and number of health**
17 **care providers as defined in R.S. 23:1021, which may be affected financially by**

1 **the proposed rule.**

2 **(2) The projected reporting, record keeping, and other administrative**
3 **costs required for compliance with the proposed rule.**

4 **(3) A statement of the probable financial impact on the individual health**
5 **care providers identified in Paragraph (1) of this Subsection.**

6 **(4) A description of any less intrusive or less costly alternative methods**
7 **of achieving the purpose of the proposed rule.**

8 **B. If the financial analysis and related financial impact statement**
9 **contains findings that the financial impact of the proposed rule would exceed**
10 **five hundred thousand dollars to any class of health care providers as defined**
11 **in R.S. 23:1021, the Louisiana Workforce Commission shall seek the approval**
12 **of the House Committee on Labor and Industrial Relations and the Senate**
13 **Committee on Labor and Industrial Relations, meeting jointly or separately,**
14 **prior to publishing or causing to be published any related notice of intent or**
15 **emergency rule.**

16 **C. Any rule or regulation promulgated by the Louisiana Workforce**
17 **Commission that does not comply with the provisions of this Section shall be**
18 **null and void.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Mary Dozier O'Brien.

DIGEST

Martiny (SB 374)

Proposed law requires the Louisiana Workforce Commission (LWC), prior to publication of the notice of intent of a rule, or the publication of an emergency rule dealing with workers' compensation that a financial analysis be conducted and that a financial impact statement be prepared.

Proposed law states that the financial impact shall include all of the following:

- (1) Identification of the classes of health care providers that will be affected by the proposed or emergency rule.
- (2) An estimate of the number of health care providers that will be affected by the proposed or emergency rule.
- (3) Projected costs for these health care providers to respond to the proposed or emergency rule.

- (4) A statement of probable financial impact on these health care providers.
- (5) A description of any less intrusive or less costly methods of achieving the purpose of the proposed or emergency rule.

Proposed law requires the LWC to seek approval of the senate and house committees on labor and industrial relations prior to the publishing of the notice of intent or of an emergency rule.

Proposed law provides that any rule of the commission that does not comply with the requirements of proposed law is null and void.

Effective August 1, 2014.

(Adds R.S. 23:1213)