SLS 12RS-818 ORIGINAL

Regular Session, 2012

SENATE BILL NO. 476

BY SENATOR MURRAY

WORKERS' COMPENSATION. To provide for limits and responsibility for certain medical treatment. (8/1/12)

1	AN ACT
2	To amend and reenact R.S. 23:1142(B)(1) and (C)(1), relative to workers' compensation; to
3	provide for certain medical treatment limits; to provide for responsibility for certain
4	medical treatment; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 23:1142 (B)(1) and (C)(1) are hereby amended and reenacted to read
7	as follows:
8	§1142. Approval of health care providers; fees
9	* * *
10	B. Nonemergency care. (1) Except as provided herein, each health care
11	provider may not incur more than a total of-seven hundred fifty one thousand five
12	<u>hundred</u> dollars in nonemergency diagnostic testing or treatment without the mutual
13	consent of the payor and the employee as provided by regulation. Except as
14	provided herein, that portion of the fees for nonemergency services of each health
15	care provider in excess of seven hundred fifty one thousand five hundred dollars
16	shall not be an enforceable obligation against the employee or the employer or the
17	employer's workers' compensation insurer unless the employee and the payor have

agreed upon the diagnostic testing or treatment by the health care provider.

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C. Emergency care. (1) In no event shall prior consent be required for any emergency procedure or treatment deemed immediately necessary by the treating health care provider. Any health care provider who authorizes or orders emergency diagnostic testing or treatment, when said diagnostic testing or treatment is held not to have been of an emergency nature, shall may be responsible for all of the charges incurred in such diagnostic testing or treatment. Said health care provider shall bear the burden of proving the emergency nature of the diagnostic testing or treatment.

\* \* \*

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

## **DIGEST**

<u>Present law</u> provides that the threshold limit without prior authorization for non-emergency medical treatment for an injured employee is \$750.

Proposed law raises the threshold to \$1500.

<u>Present law</u> provides that a health care provider who authorizes or orders emergency diagnostic testing or treatment, when the testing or treatment is not held to have been of an emergency nature shall be responsible for all charges incurred in such diagnostic testing or treatment. <u>Proposed law</u> changes "shall" <u>to</u> "may".

Effective August 1, 2012.

(Amends R.S. 23:1142(B)(1) and (C)(1))