

Committee Reports

COMMITTEE REPORT

House of Representatives Committee on Labor and Industrial Relations January 6, 1999

Office of Workers' Compensation—Hearing Rules
(LAC 40.I.5525, 5703, 5813, 5819,
5953, 6001, 6101, 6203 and 6505)

On January 6, 1999, pursuant to the Louisiana Administrative Procedure Act, R.S. 49:950, et seq., the House Committee on Labor and Industrial Relations met for the purpose of determining acceptability of proposed rules of the Louisiana Department of Labor, Office of Workers' Compensation. Those rules provide procedural guidelines for the workers' compensation court.

Members of the committee determined unanimously to find all proposed rules acceptable at this time with the exception of the following sections, which were severed and found unacceptable by a separate unanimous vote: §§5525, 5703, 5813, 5819, 5953, 6001, 6101, 6203, and 6505.

The committee members at the meeting found that it was unadvisable to accept these sections as written. The committee determined these sections to be unacceptable and suggested the following changes.

- §5525.A Add qualifications necessary for ad hoc judges being considered for appointment
- §5703.A Delete in its entirety: "A. A claim for medical care or services may be deemed premature if the

claimant has failed to complete utilization review prior to filing the claim. Nothing in this section will preclude a claimant from filing a claim before the prescription period expires in order to preserve his rights."

- §5813.F On line 1, delete "Only one" and, after "permitted" add the following: "for good cause shown"
- §5819.D On line 2, change "shall" to "may", and delete "for"
- §5953.A On line 1, after "employer", add the following: "insurer or its representative". On line four, after the words "thirty days", insert a period and delete the remainder of the paragraph.
- §6001.A On line 1, change "schedule" to "conduct"
- §6101.D On line 1, after "employee's request to", add the following: "select a treating physician or"
- §6203.A On line 9, after "himself", add the following: "as well as subjective complaints offered into evidence"
- §6505.A Delete in its entirety"(2) Time and labor required as detailed on a time sheet describing time incurred on the case as contemporaneously recorded;"
- §6505.B Starting on line 5, delete the following sentence: "A contradictory hearing shall be held at which time additional testimony and argument may be presented by the disputing parties."

I respectfully request that you allow the action of this committee to stand.

Charles W. DeWitt
Chairman

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