

# Workers Compensation Claim State Environmental Guide – Louisiana

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## Indemnity issues

Temporary Total Benefits	Current min is \$198, max is \$743 through August 31, 2022; seven-day waiting period; after two weeks of disability the first seven days owed. AWW calculated using average of four full weeks preceding accident for hourly employee; 52 weeks for salaried employees. 40-hour presumption given unless specifically hired for part-time. TTD rate is 2/3 of AWW up to the max comp rate. Temporary Total Cap – No Cap
Supplemental Earnings Benefits	Only owed if worker unable to earn 90% of pre-injury wage. 520 week cap, including all indemnity benefits paid. Pre-injury wages minus post-injury wages times two thirds equals benefit rate, subject to max comp rate.
Permanent Partial Benefits	Permanent Partial based on AMA Guidelines and scheduled loss in Section 1221(4). Percentage loss of scheduled benefit calculated by taking percentage from total number of weeks for loss of entire body part and corresponding percentage of AWW. Max and min same as TTD. Week for week credit for other benefits “voluntarily paid.”
Permanent Total Benefits	Same min and max and comp. rate calculation as TTD. Unlimited benefits, waiting period same as TTD. Reverse offset if employee is receiving SSD benefits.
Fatality Benefits	Min and max same as TTD. Death must be causally related and occur within two years of accident. Benefits are calculated based on # of dependents. (Section 1232). Benefits for dependent children expire at age 18 or until 23 if enrolled as a full time student at accredited educational institution. Benefits for dependent spouse (no common-law) expire upon their death or remarriage. In case of remarriage, two years compensation benefits shall be payable in one lump sum. Funeral benefit is \$8500.
Vocational Rehabilitation	Employer has a duty to furnish this service. Beneficial to determine value of claim and reduce or eliminate SEB exposure.
Settlement Allowed	Yes, upon agreement of parties. Statutory requirement for insurer to obtain the employer’s consent.
Cap on benefits, exceptions	520 week cap on Supplemental Earnings Benefits (wage loss); no cap on TTD and PTB.

**Medical issues**

Initial Choice of Provider	Employee has right to select one treating physician in any field or specialty.
Change of Provider	After initial choice the employee shall obtain prior consent from the employer/carrier for a change of treating physician within that same specialty. However, employee is not required to obtain approval for change to a treating physician in another field or specialty.
Medical Fee Schedule	Yes, Medical Fee Schedule based on percent over Medicare, currently 40.05%
Managed Care	Yes
Utilization Review	<p>Yes:</p> <ul style="list-style-type: none"> <li>• Medical providers are required to submit all treatment requests using form 1010 and 1010A; carrier/employer approve/deny by responding back on same forms. Treatment requests are to be reviewed against LA Medical Treatment Guidelines (LA-MTG), or other treatment guidelines when LA-MTG does not address recommended treatment. Employer/Carrier has five business days to respond to treatment requests. Disputes over treatment requests to be resolved by filing of form 1009 with the Medical Director for review and decision. Appeal of the Medical Director decision can be done by the filing of form 1008 – Disputed Claim for Compensation.</li> <li>• Hospitalizations - All non-emergency hospital admissions must be pre-certified with an appropriate length of stay being assigned. Continued stay review must also be performed on each approved admission. A registered nurse shall be used for the initial review of recommended hospitalization.</li> </ul>
Treatment Guidelines	Yes, Louisiana Medical Treatment Guidelines
Generic Drug Substitution	The state does not mandate generic substitution.
Medical Mileage Reimbursement Rate	Yes. Reimbursement is at .58 cents per mile effective 1-10-22.
Network Information	Coventry (primary) and CorVel (secondary).
Ability to Terminate Medical Treatment	No limit on medical treatment that is reasonable and necessary.
Settlement Allowed	Yes, medical and indemnity.
Cap on benefits, exceptions	None

**Other Issues**

WC Hearing Docket Speed	Hearing dates are between 6-9 months from filing of 1008 (Disputed Claim for Compensation form).
Staff Counsel	<p>Maricle &amp; Associates                      3838 N Causeway Ste. 3160                      Metairie, LA 70161                      504-832-7625</p> <p>Maricle &amp; Associates                      #1 Sanctuary Boulevard                      Suite 202                      Mandeville, Louisiana 70471                      985-727-3411</p>
Hearings require attorney or claim handler participation	Licensed Attorneys only
Occupational Diseases	Yes. Section 1031.1 “only that disease or illness which is due to causes and conditions characteristic of and peculiar to the particular trade, occupation, process or employment.”
Second Injury Fund availability	Yes. Must be filed within 52 weeks of first benefit paid. 104 week cap on indemnity and \$25,000 on medical. Pre-accident disability must merge with disability related to work accident to create a greater disability. Expert opinion required.
Other Offset Opportunities	Social Security Disability upon declaring P&T.
EDI	Claims EDI Release 3 : FROI only (1/1/2013)
In-State Adjusting Required	No
License or Certification Required	Effective 8/1/17 – Resident claims adjusters handling Workers Compensation will be required to take an examination to obtain a license after 8/1/17. The license requires renewal every two years, expiring on the end of the birth month in odd years. There is a 24 hour CE requirement. Reciprocity is granted for nonresident adjusters who are licensed with equivalent authority in their home state. Renewals will be granted so long as the CE requirements for the home state are satisfied. If there are no CE requirements, those of a Louisiana resident will need to be fulfilled.