



**2024 WORKERS' COMPENSATION LEGISLATION
POST-SESSION REVIEW**

OVERVIEW

1. Significant Bills Introduced

HB 360 (Melerine)

HB 529 (Crews)/SB 366 (Stine)

HB 618 (Beaulieu)/SB 324 (Reese) HB 668 (Melerine)/SB 315 (Seabaugh)

HB 703 (Melerine)/SB 319 (Seabaugh) HB 198/HB 863/HB 870 (Echols)

HB 556 (Glorioso)

HB 764 (Taylor)

HB 765 (Taylor)

HB 769 (Riser)

HB 200 (Melerine)

2. Lessons Learned

3. Moving Forward and Getting Ready for 2025

HB 529 (CREWS)

- Would have amended R.S. 23:1021(13) to base AWW calculation on 52 weeks of earnings. Goal was to reduce litigation that arises due to the multiple formulas currently used to calculate AWW. Note that the majority of states use a 52-week period.
- Passed House Labor on 4/18, passed House Floor on 4/24 with amendments, passed Senate Labor on 5/15, but with an amendment reincorporating a 40-hour presumption that triggered concerns from the business/payor community.
- HB529 was not brought for a vote on the Senate Floor due to the addition of the 40-hour presumption in committee. LABI considered repurposing the bill by amending changes to R.S. 23:1314 onto it, but after discussion with Sen. Seabaugh, declined to recall it from the calendar.



HB 618 (BEAULLIEU)

- Would have amended R.S. 23:1127 to create a process for compelling medical releases; would have amended R.S. 23:1301 and 1306 to require timely notice of work injury by employee and employer.
- Passed House Labor on 4/18 with amendments, failed House Floor on 4/29 due to lack of 2/3rds majority, passed House Floor on 5/13 with amendments curing the need for super majority vote, passed Senate Labor on 5/22 with amendments cutting the proposed notice provisions.
- HB618 was not brought for a vote on the Senate Floor. Attempts to amend it failed to remove opposition from Sen. Coussan. Following discussions on the Floor and due to time limits presented by sine die, Sen. Seabaugh declined to recall it from the calendar.



HB 703 (MELERINE)

- Would have amended R.S. 23:1201(F) re penalties and attorney fees, amended R.S. 23:1201.1 re preliminary determination process, amended R.S. 23:1314 re employer access to OWC court system; primarily intended to reduce excessive attorney fees and unnecessary litigation costs/delays, which are the highest in the WCRI comparison of state comp systems.
- After initially failing in House Labor, HB703 passed House Labor on 5/1 with amendments. It passed the House Floor on 5/8 with additional amendments supported by LABI and the author. Note that amendments proposed by Rep. Glorioso which gutted the bill were defeated on the House Floor.
- HB703 faced continuing opposition in Senate Labor due to concerns raised by medical providers and trial attorneys; after discussions with LABI and the provider community, Rep. Melerine agreed to defer the bill.



HB 668 (MELERINE)/SB 315 (SEABAUGH)

- Would have amended R.S. 23:1221 to establish caps on TTD benefits, changes to vocational rehabilitation, changes to death benefits, etc. The bill was intended to address indemnity benefits, which are among the highest in the country according to WCRI and NCCI.
- HB 668/SB 315 were not moved based on discussions and agreement that the bills would not produce the long-term intended impact in indemnity benefits.



HB 360 (MELERINE)

- Would have repealed the Workers' Compensation Advisory Council per R.S. 23:1294 and R.S. 36:309(B)(2)
- Scheduled for hearing in House Labor on 4/25, but voluntarily deferred
- Bill was voluntarily deferred HB 360 after committee discussions of fee schedules continued to focus on the need for OWCA to consider input from all stakeholders regarding fee schedule updates.



OTHER WC LEGISLATION

HB 198/HB 863/HB 870 (Echols) – fee schedule bills. Discussion of fee schedules dominated the first half of the session and occupied most of the first several House Labor Committee meetings. A version of the fee schedule bill, HB863, ultimately passed the House but was voluntarily deferred in Senate Labor pending administrative action by OWCA.

HB 200 (Melerine) – misclassification/collection of WC premium bill. Passed both houses with amendments, signed by Governor Landry as Act No. 782, it becomes effective on 8/1/2024.

HB 556 (Glorioso) – proposed COLA adjustment for PTD benefits. The bill passed the House with amendments. It was not heard in Senate Labor.

HB 764 (Taylor) – precluded causation/compensability defenses in 1203.1 appeals. Did not pass House Labor.

HB 765 (Taylor) – established rebuttable presumption of compensability 90 days post accident. Did not pass House Labor.

HB 769 (Riser) – established employee right of action and a 24% penalty for medical benefits paid by group health insurer. Did not pass House Labor.

LESSONS

WHAT DID
WE LEARN?



What Next?

Pending the 2025 Legislative Session, the business community must work with healthcare providers to address mutual pain points and fix the comp system.

2025 is a fiscal session and legislators will be limited to 5 non-fiscal bills.

The session convenes April 14th.