

Customer Workers Compensation Jurisdictional Resource – Louisiana

Issue	Mandatory	What & How	Impact	State Forms
Timely Reporting of Claims	<p>Yes</p> <p>Louisiana Form 1007 - Employer Report of Injury/Illness is required to be filed within 10 days of knowledge of an incident resulting in death or loss of time from work of more than 7 days.</p>	<p>The employer sends the information to Travelers and the Travelers' claims adjuster files the Louisiana Form 1007 - Employer Report of Injury/Illness with information received from the employer.</p> <p>Rule R.S. 23-1306 of the Louisiana Code</p>	<p>Penalties of up to \$500 may be awarded for failure to file.</p>	<p>Louisiana Form 1007 - Employer Report of Injury/Illness</p>
Drug Free Workplace	<p>Yes</p> <p>Employer can require the worker to undergo drug/alcohol screening after a work accident. If the worker refuses there is a presumption of intoxication.</p>	<p>Once the employer proves intoxication, there arises a rebuttable presumption that the accident was caused by the intoxication. No benefits (except for acute medical care) are payable if the accident was caused by the worker's intoxication.</p> <p>Rule R.S. 23-1081 of the Louisiana Code</p>	<p>Even with a positive drug or alcohol screen, the worker can overcome the presumption with testimony that he did not appear intoxicated or that the accident would have occurred even if he had not been intoxicated.</p>	<p>N/A</p>

Managed Care Law	<p>Yes</p> <p>Utilization review and fee reimbursement schedule mandatory.</p> <p>Louisiana Labor and Employment Table of Contents</p>	<p>The act does provide for utilization review procedures and a fee reimbursement schedule for cost containment.</p> <p>Rule R.S. 23 - 1291 of the Louisiana Code and Rule R.S. 23-1203 of the Louisiana Code</p>	N/A	N/A
Directing Medical Treatment	<p>Yes</p> <p>The worker has the right to choose his own physician. The Employer/carrier can require the worker to attend an examination with a doctor chosen by the employer/carrier. If there is a dispute, then the worker can be required to attend an exam with a doctor chosen by the state.</p>	<p>The employer can choose emergency care for the worker if he is unable to do so himself. Otherwise, the worker can choose his own doctor. The worker should sign a Louisiana Form 1121 - Choice of Physician.</p> <p>Rule R.S. 23-1121 of the Louisiana Code</p>	N/A	<p>Louisiana Form 1121 - Choice of Physician</p>
Posting Notice	<p>Yes</p> <p>Employer required to post a Louisiana Workers' Compensation Notice of a workers' right to comp, obligation to promptly report injury and consequences of fraud.</p>	<p>The language of the notice is specifically set out by statute.</p> <p>Rule R.S. 23-1302 of the Louisiana Code.</p>	N/A	<p>Louisiana Workers' Compensation Notice</p>

Safety	Yes A <u>Safety Plan</u> is required of employers with more than 15 employees	<u>R.S. 23-1291 of the Louisiana Code</u> and <u>R.S. 23-1179 of the Louisiana Code</u>	N/A	N/A
Reporting First Aid Claims	No	Report of injury required only in cases involving lost time of 7 days or more. <u>Rule R.S. 23-1306 of the Louisiana Code</u>	N/A	N/A
Maintain Health Insurance	No Maintaining health insurance is not mandatory, but it can mitigate some exposure for the insured. <u>Rule R.S. 23-1212 of the Louisiana Code</u>	Payment of medical expenses by a health insurer shall extinguish the claim against the employer or insure for those medical expenses, where the premiums are paid by the employer.	Penalties and attorney fees can be awarded for failure to pay or failure to timely pay medical expenses. If medical expenses are paid by an employer funded health insurance policy, the employer and insurer will receive credit for the payment.	N/A
Maintain Copy of all Injuries	No Maintaining copy of all injuries is not mandatory.	N/A	N/A	N/A

The Travelers Indemnity Company
and its property casualty affiliates
One Tower Square
Hartford, CT 06183

travelers.com

.....
This material does not amend, or otherwise affect, the provisions or coverages of any insurance policy or bond issued by Travelers. It is not a representation that coverage does or does not exist for any particular claim or loss under any such policy or bond. Coverage depends on the facts and circumstances involved in the claim or loss, all applicable policy or bond provisions, and any applicable law. Availability of coverage referenced in this document can depend on underwriting qualifications and state regulations.

© 2009 The Travelers Companies, Inc. All rights reserved. CE - 10137 New 8-09