

Regular Session, 2008

SENATE BILL NO. 563

BY SENATOR NEVERS

WORKERS' COMPENSATION. Defines Nurse Case Manager. (8/15/08)

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AN ACT

To amend and reenact R.S. 23:1127(C)(1) and (3), and (D), and to enact R.S. 23:1021(13), relative to workers' compensation; to provide for a nurse case manager; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1127(C)(1) and (3), and (D) are hereby amended and reenacted, and R.S. 23:1021(13) is hereby enacted to read as follows:

§1021. Terms defined

As used in this Chapter, unless the context clearly indicates otherwise, the following terms shall be given the meaning ascribed to them in this Section:

* * *

(13) "Nurse case manager" means a registered nurse who is employed to assist, coordinate and efficiently manage the health care for the injured employee.

§1127. Release of medical records and information

* * *

C.(1) Consistent with the policy of reasonable access to medical information

1 for all parties and notwithstanding the provisions of Article 510 of the Louisiana
2 Code of Evidence or any other law to the contrary, a health care provider, without
3 the necessity of a subpoena or other discovery device, shall verbally discuss medical
4 information regarding the injured employee with another health care provider
5 examining the employee, a nurse case manager, or a vocational rehabilitation
6 counselor assigned to provide rehabilitation for that injured worker. No health care
7 provider or his employee or agent shall be held civilly or criminally liable for
8 disclosure of the medical information conveyed pursuant to this Section. This
9 Paragraph shall not apply to examinations conducted by medical examiners
10 appointed by the director pursuant to R.S. 23:1123.

11 * * *

12 (3) In addition to any other duty or responsibility provided by law, a nurse
13 case manager or vocational rehabilitation counselor who is a party to a verbal
14 communication with the health care provider regarding an employee, as authorized
15 by Paragraph (1) of this Subsection, shall, within five working days of the
16 communication, mail a written summary of the communication and any work
17 restrictions or modifications required for the employee's reasonable return to
18 employment to the employee, his representative, and the health care provider. The
19 summary shall be mailed by certified mail, return receipt requested, to the employee
20 or his representative. It shall include a narration of any diagnosis or opinion given
21 or discussed, any conclusions reached concerning the vocational rehabilitation plan,
22 any return to work opportunities discussed consistent with the vocational
23 rehabilitation plan, and the medical evaluation of the health care provider.

24 * * *

25 D. Nothing in this Section shall be construed to authorize any nurse case
26 manager, vocational rehabilitation counselor assigned to provide rehabilitation
27 services for the injured employee, or agent of the employer who is not treating the
28 injured employee for his injuries to attend the injured employee's medical
29 examinations.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Nancy Vicknair.

DIGEST

Proposed law defines "nurse case manager" as a registered nurse who is employed to assist, coordinate and efficiently manage the health care for an injured employee.

Present law provides that a health care provider, without the necessity of a subpoena or other discovery device, shall verbally discuss medical information regarding the injured employee with another health care provider examining the employee, a case manager, or a vocational rehabilitation counselor assigned to provide rehabilitation for that injured worker. Present law further provides that no health care provider or his employee or agent shall be held civilly or criminally liable for disclosure of the medical information and shall not apply to examinations conducted by medical examiners appointed by the director.

Present law provides that a case manager or vocational rehabilitation counselor who is a party to a verbal communication with the health care provider regarding an employee shall, within five working days of the communication, mail a written summary of the communication and any work restrictions or modifications required for the employee's reasonable return to employment to the employee, his representative, and the health care provider. Present law further provides that the summary shall be mailed by certified mail, return receipt requested, to the employee or his representative and shall include a narration of any diagnosis or opinion given or discussed, any conclusions reached concerning the vocational rehabilitation plan, any return to work opportunities discussed consistent with the vocational rehabilitation plan, and the medical evaluation of the health care provider.

Present law provides that nothing shall be construed to authorize any case manager, vocational rehabilitation counselor assigned to provide rehabilitation services for the injured employee, or agent of the employer who is not treating the injured employee for his injuries to attend the injured employee's medical examinations.

Proposed law clarifies the term "case manager" to mean "nurse case manager".

Effective August 15, 2008.

(Amends R.S. 23:1127(C)(1) and (3), and (D); adds R.S. 23:1021(13))