HLS 24RS-948 ENGROSSED

2024 Regular Session

HOUSE BILL NO. 556

1

BY REPRESENTATIVE GLORIOSO

WORKERS COMPENSATION: Provides relative to an injury producing the permanent total disability of an employee

AN ACT

2 To enact R.S. 23:1020.1(B)(4) and 1221(2)(f) through (i), relative to workers' compensation; 3 to provide for legislative intent; to provide for permanent total disability; to provide 4 for the calculation and determination of the average weekly wage; and to provide for 5 related matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. R.S. 23:1020.1(B)(4) and 1221(2)(f) through (i) are hereby enacted to read 8 as follows: 9 §1020.1. Citation, purpose; legislative intent; construction 10 11 B. Purpose. The legislature declares that the purpose of this Chapter is all of the following: 12 13 14 (4) To counteract inflation by providing a cost-of-living adjustment for 15 permanent total disability benefits to all injured workers who suffer an injury or 16 disease arising out of and in the course and scope of their employment as is provided 17 in this Chapter. 18

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	§1221. Temporary total disability; permanent total disability; adjusted permanent
2	total disability benefits; supplemental earnings benefits; permanent partial
3	disability; schedule of payments
4	* * *
5	(2) Permanent total.
6	* * *
7	(f) For purposes of Subparagraph (a) of this Paragraph, any compensable
8	injury producing permanent total disability of an employee to engage in any self-
9	employment or occupation as that in which the employee was customarily engaged
10	when injured, and whether or not an occupation for which the employee at the time
11	of injury was particularly fitted by reason of education, training, or experience,
12	occurring on or after August 1, 2024, for which permanent total disability continues,
13	the injured employee shall be entitled to an adjustment in the weekly compensation
14	rate effective August 1, 2024, based upon the following formula:
15	(i) Determine the percentage of the injured employee's average weekly wage
16	at the time of the injury to the state's average weekly wage as established by the
17	office workers' compensation administration for the same corresponding year of
18	injury. This amount shall be computed to the nearest multiple of one dollar. In no
19	event shall the percentage exceed one hundred percent of the state's average weekly
20	wage.
21	(ii) Determine the adjusted average weekly wage of the injured employee by
22	applying the percentage determined in Item (i) of this Subparagraph against the
23	state's current average weekly wage which is established annually on September first
24	of each year.
25	(iii) Determine the revised weekly rate of compensation by applying the
26	adjusted average weekly wage to the current schedule as provided by Subparagraph
27	(2)(a) of this Paragraph.

1 (g) The injured employee shall be entitled to an adjustment in the weekly 2 compensation rate at one year intervals beginning on September first of each year 3 with the initial review occurring on or after the third anniversary of the injury. 4 (h) Every insurance carrier or self-insured employer shall be required to report each compensable injury case to the secretary of the Louisiana Workforce 5 6 Commission if permanent total disability payments continue or are expected to 7 continue for six months from the date of injury. 8 (i) Adjustments in weekly benefit rates shall apply only to those injuries that 9 result in permanent total disability for the injured employee as provided by R.S. 10 23:1221(2)(a) and shall not be retroactive from the anniversary date of such review, 11 unless an employee entitled to such adjustment did not receive the amount due 12 because of a mistake, misfortune, or lack of knowledge. 13

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 556 Engrossed

2024 Regular Session

Glorioso

Abstract: Provides relative to injuries producing the permanent total disability of an employee and provides for the determination and calculation of the average weekly wage owed to injured employees.

<u>Present law</u> provides that <u>present law</u> shall be cited as the "Louisiana Workers' Compensation Law" and provides the intent of the legislature.

Proposed law retains present law.

<u>Proposed law</u> adds that it is the intent of the legislature to counteract inflation by providing a cost-of-living adjustment for permanent total disability benefits to all injured workers, who suffer an injury or disease arising out of and in the course and scope of their employment.

<u>Proposed law</u> provides the formula for determining an injured worker's average weekly wage.

<u>Proposed law</u> provides that an injured worker shall be entitled to an adjustment in the weekly compensation rate at one-year intervals beginning Sept. 1st of each year with the initial review occurring on or after the third anniversary of the injury.

<u>Proposed law</u> requires every insurance carrier or self-insured employer to report each compensable injury case to the secretary of the La. Workforce Commission, if permanent

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total disability payments continue or are expected to continue for six months from the date of injury.

<u>Proposed law</u> provides that adjustments in weekly benefit rates shall apply only to those injuries that result in permanent total disability for the injured employee. <u>Proposed law</u> further provides that the adjustments shall not be retroactive from the anniversary date, unless an employee entitled to the adjustment did not receive the amount due because of a mistake, misfortune, or lack of knowledge.

(Adds R.S. 23:1020.1(B)(4) and 1221(2)(f)-(i))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Labor and Industrial</u> Relations to the <u>original</u> bill:

- 1. Remove the definition of consumer price index and cost-of-living adjustment from the bill.
- 2. Change the calculated percentage of the injured employee's average weekly wage at the time of injury from not exceeding 66 2/3% to not exceeding 100%.
- 3. Revise provisions of <u>proposed law</u> regarding the calculation of the percentage of an injured employee's average weekly wage.
- 4. Revise provisions of <u>proposed law</u> regarding the calculation of the adjusted average weekly wage of an injured employee.
- 5. Change the month <u>from</u> August <u>to</u> September for when an injured employee receives an adjustment in their weekly compensation rate.
- 6. Clarify that the adjustment in weekly benefits is only for injuries that result in permanent total disability.
- 7. Make technical changes.