



Office of Workers' Compensation Administration

Workers Compensation Indemnity Benefit Dispute Resolution Process	Workers Compensation Indemnity Benefit Dispute Resolution Process - Clarifications
Date : February 1, 2013	

This bulletin is for the purpose of informing the parties on how to proceed with the new workers' compensation indemnity benefit dispute resolution process.

Background: Effective February 1, 2013, Act 860 of the 2012 Legislative session amends LSA-R.S. 23:1201(H) by adding a new process by which disputes regarding indemnity benefit calculations will be resolved. Amended 1201(H) requires the Director of the Office of Workers' Compensation Administration (OWC) to promulgate a Notice of Payment form and rules governing this new process in accordance with the Administrative Procedure Act (APA).

Discussion: Pursuant to L.S.A.-R.S. 23:1310.6, OWC Director, Wes Hataway, authorized the placement of a new Notice of Payment form (LWC-WC-1002) on the LWC website effective immediately; although the new form is not to be used until February 1, 2013. Until then the old Notice of Payment form will remain on the website and will be removed on February 1, 2013. In keeping with amended LSA-R.S. 23:1201(H), the new Notice of Payment form is to be used by all parties, beginning February 1, 2013, when either a basis of disagreement exists regarding the amount of compensation or when a payor requests a preliminary determination of the compensation amount provided for in the Notice of Payment. All indemnity benefit disputes filed with the OWC prior to February 1, 2013 will be resolved as per the law in effect prior to the amendment. All indemnity disputes filed after February 1, 2013 will follow amended 23:1201(H).

In accordance with the APA, the new Notice of Payment form and Hearing Rules governing this new process have been submitted to the Office of the State Register. However, neither the new Notice of Payment form nor the Hearing Rules governing same will be promulgated by February 1, 2013. The OWC Director continues to receive and respond to public comment in accordance with the APA. As soon as the comment and review period expires and as quickly as administratively possible, the updated Hearing Rules will be promulgated along with the new Notice of Payment form (LWC-WC 1002)