

## NOTICE OF INTENT

### Workforce Commission Office of Workers' Compensation

Medical Treatment Guidelines  
(LAC 40: 2111)

The Louisiana Workforce Commission does hereby give notice of its intent to amend certain portions of the Medical Guidelines contained in the Louisiana Administrative Code, Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 2, Medical Guidelines, Chapter 21, Section 2111 regarding chronic pain guidelines. This Rule is promulgated by the authority vested in the director of the Office of Workers' Compensation found in R.S. 23:1291 and R.S. 23:1310.1(C).

#### Title 40 LABOR AND EMPLOYMENT Part I. Workers' Compensation Administration Subpart 2. Medical Guidelines

### Chapter 21. Pain Medical Treatment Guidelines

#### Subchapter A. Chronic Pain Disorder Medical Treatment Guidelines

Editor's Note: Form LWC-WC 1009. Disputed Claim for Medical Treatment has been moved to §2328 of this Part.

#### §2111. Therapeutic Procedures—Non-Operative

A. – B.4. ...

C. The following procedures are listed in alphabetical order.

1. - 14. f. ...

15. Personality/psychological/psychiatric/psychosocial intervention

a. - f. ...

g. If a diagnosis consistent with the standards of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM) or most current ICD has been determined, the patient should be evaluated for the potential need for psychiatric medications. Use of any medication to treat a diagnosed condition may be ordered by an authorized treating physician or by either the consulting psychiatrist or medical psychologist. Visits for management of psychiatric medications are medical in nature and are not a component of psychosocial treatment. Therefore, separate visits for medication management may be necessary, depending on the patient and medications selected.

h. - q. ...

16. - 19. c. xvi. (a). ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1203.1.

HISTORICAL NOTE: Promulgated by the Louisiana Workforce Commission, Office of Workers Compensation Administration, LR 37:1692 (June 2011). amended LR 46:000 (February 2020), repromulgated LR 46:000 (March 2020)

### **Family Impact Statement**

This amendment to Title 40 should have no impact on families.

### **Poverty Impact Statement**

This amendment to Title 40 should have no impact on poverty or family income.

### **Provider Impact Statement**

1. This Rule should have no impact on the staffing level of the Office of Workers' Compensation as adequate staff already exists to handle the procedural changes.
2. This Rule should create no additional cost to providers or payers.
3. This Rule should have no impact on ability of the provider to provide the same level of service that it currently provides.

### **Public Comments**

All interested persons are invited to submit written comments or hearing request on the proposed Rule. Such comments or request should be sent to Sheral Kellar, OWC-Administration, 1001 North 23rd Street, Baton Rouge, LA 70802. Such comments should be received by 5:00 pm on April 10, 2020.

Ava Dejoie  
Secretary

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

**The proposed rules will have no fiscal impact on state or local government units, other than the publication fees associated with the proposed rule change.**

**LA R.S. 23:1203.1 requires the Office of Workers' Compensation Administration (OWCA) assistant secretary, with the assistance of the medical advisory council, to review and update the medical treatment schedule a minimum of once every two years. In accordance with LA R.S. 23:1203.1, the proposed rule amends the medical guidelines for evaluating chronic pain disorder as contained in Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 2, Medical Guidelines, Chapter 21, Section 2111. Specifically, the rule adds medical psychologists to the list of providers that may prescribe medications to patients with a diagnosed mental health disorder.**

### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

**Implementation of the proposed change will have no effect on revenue collections of state or local governmental units.**

### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESS OR NON-GOVERNMENTAL GROUPS (Summary)**

**It is anticipated that the proposed change will provide an indirect benefit to injured workers, employers, and insurers by providing better medical treatment to injured workers, thus facilitating their recovery and return to work.**

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

**The proposed change has no known effect on competition and employment.**