

# RULE

## Department of Labor Office of Workers' Compensation

### Fraud (LAC 40:I.Chapter 19)

Under the authority of the Workers' Compensation Act, particularly R.S. 23:1021 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Labor, Office of Workers' Compensation amends the Office of Workers' Compensation rules, LAC 40:I.Chapter 19.

The changes to these rules replace the current fraud section of the Office of Workers' Compensation rules in their entirety. These rules are being amended in order to implement the provisions of Act 368 of 1995.

#### **Title 40**

#### **LABOR AND EMPLOYMENT**

#### **Part I. Workers' Compensation Administration**

#### **Chapter 19. Fraud**

#### **§1901. Forms**

The following forms are prescribed for use pursuant to R.S. 23:1208:

1. LDOL-WC-1025 Employee's and Employer's Certificate of Compliance;
2. LDOL-WC-1026 Employee's Quarterly Report of Earnings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1208 and 23:1291.

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, LR 17:359 (April, 1991), amended by the Department of Labor, Office of Workers' Compensation, LR 22: (March 1996).

#### **§1903. Certification; Report**

A. For an accident occurring on or after April 1, 1996, the employee and employer shall certify their compliance with the Louisiana Workers' Compensation Act by filing with their insurer form LDOL-WC-1025, Employee's and Employer's Certificate of Compliance.

B.1. Whenever an employee receives workers' compensation indemnity disability benefits for more than 30 days, the employee shall report his other earnings to his employer's insurer quarterly on form LDOL-WC-1026, Employee's Quarterly Report of Earnings.

2. The requirements of paragraph B.1 of this rule are waived whenever an employee has timely filed all necessary LDOL-WC-1020 forms, or only has received medical benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1208 and 23:1291.

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, LR 17:359 (April, 1991), amended by the Department of Labor, Office of Workers' Compensation, LR 22: (March 1996).

#### **§1905. Penalty; Hearing; Appeal**

A. Any person violating the provisions of R.S. 23:1208 may be assessed civil penalties by the director of not less than \$500 nor more than \$5000.

B. Penalties may be imposed pursuant to this rule after a investigatory hearing before the director or his designee.

C. A person may appeal any penalty imposed pursuant to this rule by filing form LDOL-WC-1008, Disputed Claim for Compensation, in the district where the person is located or in Baton Rouge, Louisiana.

All such appeals shall be de novo. Any penalty imposed pursuant to this rule becomes final and may be pursued for collection unless such an appeal is filed within 30 days of the notice of penalty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1208 and 23:1291(1)(5).

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, LR 17:359 (April, 1991), amended by the Department of Labor, Office of Workers' Compensation, LR 22: (March 1996).

#### **§1907. Notice of Penalty; Filing**

The director shall notify the employee and employer of any civil penalty imposed for violation of R.S. 23:1208. In addition, the director shall file the notice of penalty in the record of the disputed claim for benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1208 and 23:1291.

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, LR 17:359 (April, 1991), amended by the Department of Labor, Office of Workers' Compensation, LR 22: (March 1996).

#### **§1909. Commencement of Hearing**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1208 and 23:1291.

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Workers'

Compensation, LR 17:359 (April, 1991), repealed by the Department of Labor, Office of Workers' Compensation, LR 22: (March 1996).

**§1911. Fact Finding Determination**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1208 and 23:1291.

HISTORICAL NOTE: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, LR 17:359 (April, 1991), repealed by the Department of Labor, Office of Workers' Compensation, LR 22: (March 1996).

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