



Substitute Senate Bill No. 1036

Public Act No. 07-80

AN ACT CONCERNING NOTIFICATION TO INJURED EMPLOYEES OF THE DISCONTINUATION OR REDUCTION OF WORKERS' COMPENSATION BENEFITS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 31-296 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) If an employer and an injured employee, or in case of fatal injury [his] the employee's legal representative or dependent, at a date not earlier than the expiration of the waiting period, reach an agreement in regard to compensation, such agreement shall be submitted in writing to the commissioner by the employer with a statement of the time, place and nature of the injury upon which it is based; and, if such commissioner finds such agreement to conform to the provisions of this chapter in every regard, [he] the commissioner shall so approve it. A copy of the agreement, with a statement of the commissioner's approval, [thereof,] shall be delivered to each of the parties and thereafter it shall be as binding upon both parties as an award by the commissioner. The commissioner's statement of approval shall also inform the employee or [his] the employee's dependent, as the case may be, of any rights the individual may have to an annual cost-of-living adjustment or to participate in a rehabilitation program under

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the provisions of this chapter. [He] The commissioner shall retain the original agreement, with [his] the commissioner's approval thereof, in [his] the commissioner's office and, if an application is made to the superior court for an execution, [he] the commissioner shall, upon the request of said court, file in the court a certified copy of the agreement and [his] statement of approval. [thereof.]

(b) Before discontinuing or reducing payment on account of total or partial incapacity under any such agreement, the employer or the employer's insurer, if it is claimed by or on behalf of the injured [person that his] employee that such employee's incapacity still continues, shall notify the commissioner and the employee, by certified mail, of the proposed discontinuance or reduction of such payments. [, with the date of such proposed discontinuance or reduction and the reason therefor, and, such] Such notice shall specify the reason for the proposed discontinuance or reduction and the date such proposed discontinuance or reduction will commence. No discontinuance or reduction shall [not] become effective unless specifically approved in writing by the commissioner. The employee may request a hearing on any such proposed discontinuance or reduction [within ten days of] not later than fifteen days after receipt of such notice. Any such request for a hearing shall be given priority over requests for hearings on other matters. The commissioner shall not approve any such discontinuance or reduction prior to the expiration of the period for requesting a hearing or the completion of such hearing, whichever is later. In any case where the commissioner finds that an employer has discontinued or reduced any payments made in accordance with this section without the approval of the commissioner, such employer shall be required to pay to the employee the total amount of all payments so discontinued or the total amount by which such payments were reduced, as the case may be, and shall be required to pay interest to the employee, at a rate of one and one-quarter per cent per month or portion [thereof] of a month, on any payments so discontinued or on

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the total amount by which such payments were reduced, as the case may be, plus reasonable attorney's fees incurred by the employee in relation to such discontinuance or reduction. [Such]

(c) The employer's or insurer's notice of intention to discontinue or reduce payments shall (1) identify the claimant, the claimant's attorney or other representative, the employer, the insurer, and the injury, including the date of the injury, the city or town in which the injury occurred and the nature of the injury, (2) include medical documentation that (A) establishes the basis for the discontinuance or reduction of payments, and (B) identifies the claimant's attending physician, and (3) be in substantially the following form:

[WORKERS' COMPENSATION COMMISSION

OF CONNECTICUT

NOTICE TO COMPENSATION COMMISSIONER AND

EMPLOYEE OF INTENTION TO DISCONTINUE OR REDUCE

PAYMENTS.

To the Compensation Commissioner for the Congressional District and to, employee:

You are hereby notified that the undersigned employer intends on the day of, 20.., to discontinue or reduce the payments of compensation to the above-named employee for the following reason, to wit:

....
by (Indicate Official Position), Insurer or Agent

I HEREBY CERTIFY that the above named employee is able to return to

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usual
light work on the day of, 20 ..
selected

will
There will not be permanent loss or loss of use of (member)
.... Attending Surgeon

The following blanks are to be filled out in order that the case may be properly located in the records of the Commissioner:

Date of Injury
Date of Award or approval of agreement
Date when mailed by respondents

The employee may request a hearing by the compensation commissioner on the discontinuance or reduction set forth in this notice within ten days of receipt of this notice.]

IMPORTANT

STATE OF CONNECTICUT WORKERS' COMPENSATION COMMISSION

YOU ARE HEREBY NOTIFIED THAT THE EMPLOYER OR INSURER INTENDS TO REDUCE OR DISCONTINUE YOUR COMPENSATION PAYMENTS ON _____ FOR THE FOLLOWING REASONS:
(date)

If you object to the reduction or discontinuance of benefits as stated in this notice, YOU MUST REQUEST A HEARING NOT LATER THAN 15 DAYS after your receipt of this notice, or this notice will automatically be approved.

To request an Informal Hearing, call the Workers' Compensation

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Commission District Office in which your case is pending.

Be prepared to provide medical and other documentation to support your objection. For your protection, note the date when you received this notice.

Sec. 2. Subsection (b) of section 31-288 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(b) (1) Whenever [(1)] through the fault or neglect of an employer or insurer, the adjustment or payment of compensation due under this chapter is unduly delayed, [or (2)] such employer or insurer may be assessed by the commissioner hearing the claim a civil penalty of not more than one thousand dollars for each such case of delay, to be paid to the claimant. (2) Whenever either party to a claim under this chapter has unreasonably, and without good cause, delayed the completion of the hearings on such claim, the delaying party or parties may be assessed a civil penalty of not more than five hundred dollars by the commissioner hearing the claim for each such case of delay. Any appeal of a penalty assessed pursuant to this subsection shall be taken in accordance with the provisions of section 31-301.

Approved June 1, 2007