

February 26, 2009

Senator Prague, Representative Ryan and Members of the Labor Committee,

My name is Pamela Puchalski and I am the coordinator for ConneciCOSH's Injured Worker Project, a coalition of injured workers, labor unions, workers' compensation attorneys, and occupational hygienists. Thank you for the opportunity to speak before you today on the importance of House Bill # 5249 which helps to address the issue of timely medical treatment for an injured worker by the amending of workers' compensation statutes 31-294d, 31-294f and 31-288. These changes would put time limits on employers and their insurers if they desired to contest proposed treatment as recommended by an accepted medical provider within an accepted workers' compensation claim. They would also be required to provide medical evidence supporting their decision to deny the treatment and would be penalized if it was found that their denial was unreasonable. We recommend a change in the wording to insure that the actual employer requested exam take place within thirty days as an exam may be scheduled within thirty days but not actually be scheduled to take place until months later.

Initially, one would question why should an insurer be contesting treatment recommended by an injured worker's medical provider who has been selected from an approved list of physicians and surgeons as prepared by the chairman of the Workers' Compensation Commission in the first place? Isn't the insurer's job in the workers' compensation process to pay for the treatment? Isn't it the medical providers' job to provide the appropriate treatment? Unfortunately, this isn't always the case and treatment plans are contested. This bill would at least help insure that the denial process does not slow the treatment process as much as it has for some, including an injured worker from Bridgeport who was not given treatment for a year and a half because the insurer disagreed with not only her doctor's assessment of her treatment needs, but also their own doctor's assessment. This woman, who had a compensable claim, had to wait until the commissioner ruled in her favor after a lengthy process. She is presently undergoing a much more involved rehabilitation as the injuries to her leg were exacerbated during the time her treatment was contested.

At present, commissioners may award a penalty if it is found that the employer or insurer has delayed payment of compensation. This bill would also allow the commissioner the power to award penalties based on unreasonable delays in medical treatment. Injured workers, who often want to be healed and back to their pre-injury normalcy and receiving their pre-injury paycheck as quickly as possible, would be psychologically and financially supported by the commissioner's execution of these powers. This bill also allows an injured worker to record an employer requested exam by a reputable practicing physician or surgeon. Some injured workers have complained that respondent exams are not conducted thoroughly, but they have been unable to prove it. This aspect of the bill would also support the injured worker's attempts to receive medical treatment.

The Injured Worker Project is dedicated to supporting the injured worker and supports all efforts to see that they receive what they are presently due after they have suffered the misfortune of being injured at work. The workers' compensation process

can be quite overwhelming and complicated. We have developed an Injured Worker Bill of Rights which simply spells out a worker's basic rights when they have been injured on the job. We have brought this Bill of Rights to Chairman Mastropietro in the hope that he will mandate that it be posted in the workplace with other mandated workers' compensation information. If not, then it is our hope to amend this bill further to include this Bill of Rights.

Thank you all very much for your time.

Pamela Puchalski
Injured Worker Project Coordinator