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### Senate Bill 61

**An Act Removing the Requirement of Employer or Insurer Pre-Approval for the Provision of Certain Medical Examinations and Treatment to Injured Workers**

### House Bill 5063

**An Act Concerning Light Duty Work in the Department of Correction**

As the administrator of the State of Connecticut's Workers' Compensation program, the Department of Administrative Services (DAS) offers the following testimony regarding **Senate Bill 61, An Act Removing the Requirement of Employer or Insurer Pre-Approval for the Provision of Certain Medical Examinations and Treatment of Injured Workers**. While DAS understands that the intent of this bill is to eliminate unnecessary delays in the provision of medical care to injured workers, the unintended consequences of this bill render it unworkable.

Specifically, the workers' compensation medical benefit structure is based on the premise that the employer is responsible for payment of medical bills that are reasonable, necessary and causally related to the work-related incident. This bill would eviscerate that principle by requiring employers to pay for certain medical services related to an accepted claim but denying them the opportunity to determine if the services are reasonable or necessary. Indeed, it would be difficult for an employer even to question whether the medical services are in fact causally related to the workplace injury.

This problem is exacerbated by the extremely broad and vague definition of "routine examination or treatment." As currently drafted, the only factor for determining whether an examination or treatment is "routine" is whether it has been recommended by an approved physician or surgeon. Thus, even the most experimental treatment or novel procedure would be considered routine as long as it had been recommended.

DAS also has concerns about the structural alterations in the Workers' Compensation adjudication process outlined by this bill. The language giving Workers' Compensation Commissioners plenary authority to review whether medical care is reasonable or necessary and to order examinations or treatment without hearings erodes the due process rights of both employers and employees. Further, the other changes to the

process for terminating or reducing payment for medical services outlined in the bill will unnecessarily complicate the process and may have unintended consequences.

Finally, DAS believes that all of these factors will result in increased medical costs as well as increased costs associated with the administration of claims.

With regard to **House Bill 5063, An Act Concerning Light Duty Work in the Department of Correction**, DAS respectfully suggests that this legislation is unnecessary. DAS and the Department of Correction (in consultation with the applicable unions) have already established a light duty program for DOC. This light duty program has been in existence since the November 1, 2009 and currently has over 40 participants.