

## ***Statement***

### ***Insurance Association of Connecticut***

Labor and Public Employees Committee

February 24, 2011

#### **SB 986, An Act Concerning Additional Requirements For An Employer's Notice to Dispute Certain Care Deemed Reasonable For An Employee Under The Workers' Compensation Act**

The Insurance Association of Connecticut (IAC) opposes SB 986, as it would add unnecessary costs and delays to the Workers' Compensation System and increase the likelihood that improper care is provided to injured workers.

SB 986 requires written notice and the potential completion of one or more hearings before any "course of treatment" or "course of medical care" can be denied, discontinued or reduced. SB 986 will likely increase litigation, resulting in increased hearing requirements on an already overburdened Workers' Compensation Commission.

SB 986 will require the continuation of the questioned treatment until the completion of the hearing process, so the individual may get bad medicine for an extended period, to his or her physical detriment. For example, a physician may prescribe pain management treatment that makes use of powerful narcotics in an inappropriate way that is "off label," yet no denial or discontinuance will likely be effected until the completion of a hearing. The employer/insurer will also be required to pay for such dangerous treatments during that period.

SB 986 will also promote the provision of excessive, unnecessary care and care unrelated to a compensable injury under the Workers' Compensation Act, leading to

increases in workers' compensation costs which will have to be borne by employers. Treatment may relate to a body part that wasn't part of the claimed injury, yet SB 986 would require payment for such treatment until the completion of the hearing process. SB 986 may also result in the employer/insurer being improperly required to pay for palliative, instead of curative, care. Employers/insurers will be forced to pay pursuant to SB 986 for treatment that should be paid by health insurance.

SB 986 requires independent medical examinations to be scheduled and conducted within two weeks of the employer sending notice. Such a standard would, in effect, deny the employer/insurer the right to order an IME, and is fundamentally unfair, since IMEs simply cannot be conducted in that timeframe.

SB 986 also establishes a vague standard for claimant choice of treatment in subsection (c) that invites further confusion and potentially compromised quality of care under the Workers' Compensation Act.

All interested parties spent months over the prior two years, under the direction of Workers' Compensation Commission Chairman Mastropietro, developing comprehensive payor/provider guidelines to improve the efficiencies and coordination of medical services under the Workers' Compensation Act. All parties signed off on those guidelines. Regrettably, SB 986 will conflict with and contradict the guidelines, to the detriment of the shared goals of an improved and fair system for the delivery of medical services.

IAC urges rejection of SB 986.