



Connecticut Business & Industry Association

**Testimony of Kia F. Murrell  
Assistant Counsel, CBIA  
Before the Committee on Labor and Public Employees  
February 24, 2011**

**S.B. 986 AAC Additional Requirements for an Employer's Notice to  
Dispute Certain Care Deemed Reasonable For an Employee Under the  
Workers' Compensation Act**

I am Kia Murrell, Assistant Counsel at the Connecticut Business and Industry Association (CBIA) which represents the interests of more than 10,000 companies across the state, the vast majority of which are businesses of 50 or fewer employees.

CBIA does not support legislation that increases workers compensation costs for Connecticut employers or makes it more difficult for them to manage workers compensation claims. We believe that S.B. 986 is an unnecessary and potentially costly burden on employers when handling and defending their actions in workers compensation claims. For this reason, we strongly oppose this legislation.

S.B. 986 increases the requirements needed in an employer's notice of intention to discontinue, reduce or deny a course of treatment in workers' comp cases. It also requires certain hearings prior to such actions and places the burden of proof at these hearings.

We oppose this legislation for the following reasons:

- **The time constraints placed on employers and insurers are unreasonable.** Sec. 31-294c. (b) of the Workers Compensation Act allows for 28 days to contest a claim. This proposal is in direct conflict with that provision of the law.

Sec. 31-294c.(b) Provides that "Whenever liability to pay compensation is contested by the employer, he shall file with the commissioner, on or before the twenty-eighth day after he has received a written notice of claim, a notice in accord with a form prescribed by the chairman of the Workers' Compensation Commission stating that the right to compensation is contested, the name of

the claimant, the name of the employer, the date of the alleged injury or death and the specific grounds on which the right to compensation is contested. The employer shall send a copy of the notice to the employee in accordance with section 31-321.

Based on the above, a requirement that employers have an independent medical examination (IME) performed within two weeks is impractical and in many cases impossible to satisfy.

- **The term medical care is too broad in that it encompasses prescriptions, office visits, diagnostic testing, surgery, physical therapy, chiropractic care etc.**
- **This legislation will negatively impact injured workers by imposing strict timelines on them without regard to their familiarity with the law and workers compensation procedures.**

This Bill is not in the best interest of the injured workers. Currently, an injured worker can request a hearing at any time. The commissioners are sensitive to their needs and respond accordingly. This bill will require a pro se claimant to understand the law enough to contest a denial within 15 days. For many individuals, that may not be a realistic expectation.

Any legislation seeking to clarify the law regarding benefit denial or discontinuation of medical care should be consistent with Sec. 31-294(b) allowing at least 28 days to determine benefits and there should be distinctions between invasive procedures versus office visits, urgent care versus elective procedures, denials versus discontinuance, etc.

Insofar as the Workers Compensation Act speaks comprehensively to all of these matters, there is simply no need for this legislation. and S.B. 986 is an unnecessary administrative and financial burden on employers at a time when many are struggling to survive and compete.

For the aforementioned reasons, we urge the committee to Reject S.B. 986.