



General Assembly

January Session, 2011

Raised Bill No. 986

LCO No. 3477

03477 _____ LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT CONCERNING ADDITIONAL REQUIREMENTS FOR AN EMPLOYER'S NOTICE TO DISPUTE CERTAIN CARE DEEMED REASONABLE FOR AN EMPLOYEE UNDER THE WORKERS' COMPENSATION ACT.

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

1 Section 1. (NEW) (Effective October 1, 2011) (a) No employer shall
2 discontinue, reduce or deny a course of treatment which a physician or
3 surgeon deems reasonable or necessary unless the employer notifies
4 the commissioner, physician or surgeon and the employee of the
5 proposed discontinuance, reduction or denial of the course of medical
6 care in the manner prescribed in section 31-296 of the general statutes
7 and the commissioner approves such discontinuance, reduction or
8 denial of such care in writing. Such notice shall specify the reason
9 maintained by the employer that the course of medical care deemed
10 reasonable by the physician is not reasonable. No discontinuance or
11 reduction of an ongoing course of treatment shall be effective unless
12 approved in writing by the commissioner upon a determination that
13 the proposed care is not reasonable. The parties may request a hearing
14 on any such proposed discontinuance, reduction or denial not later
15 than fifteen days after receipt of such notice. Such notice of intention to

16 deny medical treatment shall be issued not later than five days after a
17 notice of need for treatment is received by the employer, employer's
18 insurer, employer's claim administrator or Second Injury Fund. The
19 commissioner shall not approve such discontinuance, reduction or
20 denial prior to expiration of the period for requesting a hearing or the
21 completion of the hearing, whichever is later. Either party may request
22 a formal hearing on the commissioner's decision to grant or deny the
23 discontinuance, reduction or denial. The employer shall have the
24 burden of proof that the medical care or treatment is unreasonable.

25 (b) The notice required in subsection (a) of this section shall include,
26 in addition to the requirements of subsection (c) of section 31-296 of
27 the general statutes, an opinion from a physician licensed to practice
28 medicine in Connecticut that the course of treatment recommended by
29 the attending physician is not reasonable or necessary and does not
30 meet the standard of care that should be exercised by a physician
31 practicing in the same specialty as the attending physician and the
32 basis for such opinion. If the employer intends to rely on the opinion of
33 a physician who performs an examination pursuant to section 31-294f
34 of the general statutes, and such examination has not yet taken place,
35 then the name of the physician, date, time and location of the
36 examination, which shall be held not more than two weeks after the
37 employee's receipt of the notice, shall be attached to the notice in lieu
38 of an opinion that the treatment is not reasonable or necessary. The
39 treatment recommended by the treating physician or surgeon may not
40 be discontinued, reduced or denied until the results of the examination
41 pursuant to section 31-294f of the general statutes is considered at
42 informal hearing.

43 (c) If the employer seeks to discontinue, reduce or deny the course
44 of medical care found reasonable by a physician based upon a dispute
45 between physicians not as to the reasonableness of the course of care,
46 but as to the better course of care, the patient shall be entitled to choose
47 the course of care after informed consent.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section

Statement of Purpose:

To specify the requirements needed in an employer's notice to an employee that such employer is seeking to discontinue, reduce or deny a course of treatment deemed reasonable by a physician, to require certain hearings prior to such discontinuance, reduction, or denial or treatment, and to make clear the employer has the burden of proof at said hearings.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]