

Written Testimony of Pamela Puchalski,

Coordinator of the Injured Workers Unite Coalition

of the Connecticut Council on Occupational Safety and Health

Before the Connecticut General Labor and Public Employees Committee

in support of SB 151, February 28, 2112

Good Afternoon Senator Prague, Representative Zaleski, and members of the Labor and Public Employees Committee,

As the Coordinator of the Injured Workers Project of the Connecticut Council on Occupational Safety and Health, I support SB 151 An act concerning additional requirements for an employer's notice to dispute certain care deemed reasonable for an employee under the Worker's Compensation Act and I thank you for considering it today in this Public Hearing.

The language in SB 151, when incorporated into the present Workers' Compensation Act would affect abuses by insurers and employers that presently occur when an injured worker with an accepted claim is under the treatment of a physician. At present, treatment or prescriptions can be disrupted because the insurer, arbitrarily and often without a medically based reason specific to the individual case, informs a medical practitioner or pharmacist that they will not pay for a treatment or prescription even though it has been prescribed by the injured worker's physician. The injured worker is left without that treatment or prescription sometimes for weeks if the issue cannot be resolved with phone calls and he or she is forced to resolve it in an informal hearing.

During those days and potentially weeks, valuable treatment time is often lost and often injuries are exacerbated. The injured worker may be additionally stressed and forced to endure extra pain. An example of this is the gentleman who had undergone an approved total knee replacement and was in the middle of receiving physical therapy, which as many of you may know, is critical to the recovery process of such a procedure. After only a few PT sessions, his physical therapist was informed that PT was no longer approved and it was stopped. The knee completely locked up. Eventually he had to go through an extremely painful process to unlock the knee and more extensive physical therapy. Ultimately, the setback affected his final recovery.

In a more dramatic case, a woman was denied treatment for a knee injury. This treatment was recommended by not only her physician but also the insurer's physician. Her decline, during the denial of recommended treatment that was approximately 17 months, resulted in a total knee replacement, numerous complications, additional surgeries, and now permanent physical disability. Similarly, in another dramatic example of what effect denied treatment can have on recovery from a workplace injury, another young woman who fell during pregnancy has been repeatedly denied treatment

to her hands and wrists. She has developed a neurological disorder and is permanently disabled not as a result of the very treatable injury, but as a result of the lack of prescribed treatment during critical times in the treatment process.

The first Workers' Compensation Act was passed in this country almost 100 years ago. Workers gave up the right to sue their employers in exchange for guaranteed medical treatment for their injuries and financial compensation after their injury. Through the years, insurers and self-insured employers, whose job it is to provide medical treatment and wage substitution to injured workers often decide what they should or should not be paying for often to the detriment of the injured worker, the employer, and ultimately, to society. In some of these cases, the injury that should have been reparable becomes a permanent disability and is so extensive that the injured worker is no longer employable and must go on Social Security Disability to live. There are those who call this a "cost-shifting scam" and it should be a concern for all of us.

In closing, I ask you to support SB 151. It will not help those who have been unfairly treated in the past and who are left to live a life of pain and disability, but it will help those workers in the future who, when injured on the job, will be able to receive an uninterrupted course of treatment and pain management so that they may return to the job force again as fit physically and psychologically as possible.

Thank you for your time and consideration.

Pamela Puchalski
Coordinator, Injured Worker Project
Connecticut Council on Occupational Safety and Health
683 North Mountain Road
Newington, CT 06111
(860) 953-2674