

T

Law Offices
of
Daniel D. Skuret, P.C.

215 Division Street
P. O. Box 158
Ansonia, Connecticut 06401-0158

Daniel D. Skuret
Michael Mohr
Daniel D. Skuret III
Patrick D. Skuret

Please respond to:
P. O. Box 158

Telephone: (203) 736-9934
Fax: (203) 734-3484
E-Mail: attydds@aol.com

Raised Bill 907
Public Hearing 2/26/2013

TO: MEMBERS OF THE LABOR AND PUBLIC EMPLOYEES COMMITTEE
DATE: FEBRUARY 26, 2013

RE: SUPPORT RAISED BILL 907: AN ACT CONCERNING ADDITIONAL REQUIREMENTS FOR AN EMPLOYER'S NOTICE TO DISPUTE CERTAIN CARE DEEMED REASONABLE FOR AN EMPLOYEE UNDER THE WORKERS' COMPENSATION ACT

I am writing this letter in support of Raised Bill 907.

I am the Vice Chair of the the Connecticut Trial Lawyers Association's (CTLA) Workers' Compensation Section. I practice law in Ansonia, CT and everyday represent injured workers before the Workers' Compensation Commission throughout the State of Connecticut. We have four attorneys in our office all of which practice before the Workers' Compensation Commission.

Unfortunately, we consistently see injured workers who are prejudiced by the undue delay caused by respondents and insurance companies in regard to reasonable medical treatment. Insurance companies and respondents are not approving reasonable medical treatment timely and are disputing reasonable treatment without a medical opinion to substantiate their denial.

The delays in approving medical treatment consistently cause injured workers to not receive the treatment they need in a timely manner to return them to the workforce. Delays in treatment effect the course of treatment as well as the outcome of treatment. Delays of routine testing, physical therapy, and other treatments for months is not uncommon and often times cause serious delays in even confirming a claimant's diagnosis and course of treatment.

Any doctor will tell you that the general philosophy is that the sooner the diagnosis and treatment, the better the recovery and outcome. When undue delays in medical treatment happen, not only do injured workers suffer physically and emotionally, but everyone is effected as they are kept out of the workforce for longer periods of time than are necessary.

Injured workers want to receive their treatment and get back to work and their employers want them back to work. Yet the insurance companies continue to deny reasonable medical treatments and testing that are meant to treat claimants and return them to the workforce.

Raised Bill 907 is needed to respond to the all too common delays in injured workers receiving reasonable medical treatment that even the Workers' Compensation Commission acknowledges exist. Therefore, I would urge The Committee to pass Raised Bill 907.

Thank you for your time.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Patrick D. Skuret', with a long horizontal flourish extending to the right.

Patrick D. Skuret, Esq.

PDS
Enclosures

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:

Section 1. (NEW) (*Effective October 1, 2013*) (a) No employer or an employer's insurer shall discontinue, reduce or deny a course of treatment which a physician or surgeon deems reasonable or necessary unless the employer notifies the commissioner, physician or surgeon and the employee of the proposed discontinuance, reduction or denial of the course of medical care and the commissioner approves such discontinuance, reduction or denial of such care in writing. Such notice shall specify the reason maintained by the employer or the employer's insurer that the course of medical care deemed reasonable by the physician is not reasonable and be in substantially the following form:

IMPORTANT

STATE OF CONNECTICUT WORKERS' COMPENSATION COMMISSION

YOU ARE HEREBY NOTIFIED THAT THE EMPLOYER OR INSURER INTENDS TO DISCONTINUE, REDUCE OR DENY TREATMENT (date) FOR THE FOLLOWING REASONS:

If you object to the discontinuance, reduction, or denial of treatment as stated in this notice, YOU MUST REQUEST A HEARING NOT LATER THAN 15 DAYS after your receipt of this notice, or this notice will automatically be approved.

To request an Informal Hearing, call the Workers' Compensation Commission District Office in which your case is pending.

Be prepared to provide medical and other documentation to support your objection. For your protection, note the date when you received this notice.

(b) No discontinuance or reduction of an ongoing course of treatment shall be effective unless approved in writing by the commissioner upon a determination that the proposed care is not reasonable. The parties may request a hearing on any such proposed discontinuance, reduction or denial not later than fifteen days after receipt of such notice. Such notice of intention to discontinue, reduce or deny medical treatment shall be issued not later than ten days after a notice of need for treatment is received by the employer, employer's insurer, employer's claim administrator or Second Injury Fund. The commissioner shall not approve such discontinuance, reduction or denial prior to expiration of the period for requesting a hearing or the completion of the hearing, whichever is later. Either party may request a formal hearing on the commissioner's decision to grant or deny the discontinuance, reduction or denial. The employer shall have the burden of proof that the medical care or treatment is unreasonable. Failure to issue the notice of intention to discontinue, reduce or deny

medical treatment precludes the employer and the employer's insurer from discontinuing, reducing or denying the request for medical treatment.

(c) The notice required in subsection (a) of this section shall include an opinion from a physician licensed to practice medicine in Connecticut that the course of treatment recommended by the attending physician is not reasonable or necessary and the basis for such opinion. If the employer intends to rely on the opinion of a physician who performs an examination pursuant to section 31-294f of the general statutes, and such examination has not yet taken place, then the name of the physician, date, time and location of the examination, which shall be held not more than thirty days after the employee's receipt of the notice, shall be attached to the notice in lieu of an opinion that the treatment is not reasonable or necessary. Failure to conduct the examination within thirty days of the notice shall preclude the employer and the employer's insurer from disputing, discontinuing or reducing the requested treatment. The treatment recommended by the attending physician or surgeon may not be discontinued, reduced or denied until the results of the examination pursuant to section 31-294f of the general statutes is considered at an informal hearing.

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

(e) An employer or an employer's insurer is not required to comply with the notice provisions set forth in Section 1(a), (b) and (c) for an ongoing course of medical treatment of limited duration.

Section 2. (New): (a) Employers and employer's insurers are exempt from the notice provisions of Section 1(a), (b) and (c) if the employer provides the injured employee with accident and health insurance pursuant to Connecticut General Statute Sec. 31.284b.

Statement of Purpose:

To prevent an employer or employer's insurer from discontinuing, reducing or denying an employee's course of treatment under the Workers' Compensation Act unless the employer provides notice and an opinion from another physician that such treatment is not reasonable or necessary.