



General Assembly

Substitute Bill No. 907

January Session, 2013



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, 2013*) (a) No employer or an
2 employer's insurer shall discontinue, reduce or deny a course of
3 treatment which a physician or surgeon deems reasonable or necessary
4 unless the employer notifies the commissioner, physician or surgeon
5 and the employee of the proposed discontinuance, reduction or denial
6 of the course of medical care and the commissioner approves such
7 discontinuance, reduction or denial of such care in writing. Such notice
8 shall specify the reason maintained by the employer or the employer's
9 insurer that the course of medical care deemed reasonable by the
10 physician or surgeon is not reasonable and be in substantially the
11 following form:

12 IMPORTANT

13 STATE OF CONNECTICUT WORKERS' COMPENSATION
14 COMMISSION

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

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

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

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

27 (b) No discontinuance or reduction of an ongoing course of
28 treatment shall be effective unless approved in writing by the
29 commissioner upon a determination that the proposed care is not
30 reasonable. The parties may request a hearing on any such proposed
31 discontinuance, reduction or denial not later than fifteen days after
32 receipt of such notice. Such notice of intention to discontinue, reduce
33 or deny medical treatment shall be issued not later than ten days after
34 a notice of need for treatment is received by the employer, employer's
35 insurer, employer's claim administrator or Second Injury Fund. The
36 commissioner shall not approve such discontinuance, reduction or
37 denial prior to expiration of the period for requesting a hearing or the
38 completion of the hearing, whichever is later. Either party may request
39 a formal hearing on the commissioner's decision to grant or deny the
40 discontinuance, reduction or denial. The employer shall have the
41 burden of proof that the medical care or treatment is unreasonable.
42 Failure to issue such notice of intention to discontinue, reduce or deny
43 medical treatment shall preclude the employer and the employer's
44 insurer from discontinuing, reducing or denying the request for
45 medical treatment.

46 (c) The notice required in subsection (a) of this section shall include
47 an opinion from a physician or surgeon licensed to practice medicine
48 in this state that the course of treatment recommended by the
49 attending physician or surgeon is not reasonable or necessary and the

50 basis for such opinion. If the employer intends to rely on the opinion of
51 a physician or surgeon who performs an examination pursuant to
52 section 31-294f of the general statutes, and such examination has not
53 yet taken place, then the name of the physician or surgeon, date, time
54 and location of the examination, which shall be held not more than
55 thirty calendar days after the employee's receipt of the notice, shall be
56 attached to the notice in lieu of an opinion that the treatment is not
57 reasonable or necessary. Failure to conduct the examination not later
58 than thirty days after receipt of such notice shall preclude the
59 employer or employer's insurer from disputing, discontinuing or
60 reducing the requested treatment. The treatment recommended by the
61 attending physician or surgeon may not be discontinued, reduced or
62 denied until the results of the examination pursuant to section 31-294f
63 of the general statutes is considered at an informal hearing.

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

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

73 Sec. 2. (NEW) (*Effective October 1, 2013*) An employer and the
74 employer's insurer are exempt from the notice provisions of
75 subsections (a) to (c), inclusive, of section 1 of this act if the employer
76 provides the injured employee with accident and health insurance
77 pursuant to section 31-284b of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section

Sec. 2	October 1, 2013	New section
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Statement of Legislative Commissioners:

Section 2 was rewritten for proper grammar.

LAB *Joint Favorable Subst.*