



General Assembly

January Session, 2013

Raised Bill No. 1074

LCO No. 4160



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

***AN ACT CONCERNING WORKERS' COMPENSATION AND LIABILITY
FOR HOSPITAL SERVICES.***

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

1 Section 1. Section 31-294d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) (1) The employer, as soon as the employer has knowledge of an
4 injury, shall provide a competent physician or surgeon to attend the
5 injured employee and, in addition, shall furnish any medical and
6 surgical aid or hospital and nursing service, including medical
7 rehabilitation services and prescription drugs, as the physician or
8 surgeon deems reasonable or necessary. The employer, any insurer
9 acting on behalf of the employer, or any other entity acting on behalf of
10 the employer or insurer shall be responsible for paying the cost of such
11 prescription drugs directly to the provider.

12 (2) If the injured employee is a local or state police officer, state
13 marshal, judicial marshal, correction officer, emergency medical
14 technician, paramedic, ambulance driver, firefighter, or active member

15 of a volunteer fire company or fire department engaged in volunteer
16 duties, who has been exposed in the line of duty to blood or bodily
17 fluids that may carry blood-borne disease, the medical and surgical aid
18 or hospital and nursing service provided by the employer shall include
19 any relevant diagnostic and prophylactic procedure for and treatment
20 of any blood-borne disease.

21 (b) The employee shall select the physician or surgeon from an
22 approved list of physicians and surgeons prepared by the chairman of
23 the Workers' Compensation Commission. If the employee is unable to
24 make the selection, the employer shall do so, subject to ratification by
25 the employee or his next of kin. If the employer has a full-time staff
26 physician or if a physician is available on call, the initial treatment
27 required immediately following the injury may be rendered by that
28 physician, but the employee may thereafter select his own physician as
29 provided by this chapter for any further treatment without prior
30 approval of the commissioner.

31 (c) The commissioner may, without hearing, at the request of the
32 employer or the injured employee, when good reason exists, or on his
33 own motion, authorize or direct a change of physician or surgeon or
34 hospital or nursing service provided pursuant to subsection (a) of this
35 section.

36 (d) The pecuniary liability of the employer for the medical and
37 surgical service required by this section shall be limited to the charges
38 that prevail in the same community or similar communities for similar
39 treatment of injured persons of a like standard of living when the
40 similar treatment is paid for by the injured person. The liability of the
41 employer for hospital service shall be: (1) In the case of employers
42 other than state humane institutions, (A) on or before June 30, 2013, the
43 amount it actually costs the hospital to render the service, as
44 determined by the commissioner, [except] and (B) on or after July 1,
45 2013, the amount it actually costs the hospital to render the service
46 plus any additional costs negotiated between the employer and the

47 provider of medical and surgical services, and (2) in the case of state
 48 humane institutions, [the liability of the employer shall be] the per
 49 capita cost as determined by the Comptroller under the provisions of
 50 section 17b-223. For purposes of this subsection, a hospital's billed
 51 charges shall not be used in determining the liability of the employer
 52 for hospital service. All disputes concerning liability for hospital
 53 services in workers' compensation cases shall be settled by the
 54 commissioner in accordance with this chapter. For hospital service
 55 rendered on or before June 30, 2013, a dispute shall be filed with the
 56 commission not later than eighteen months after the date of treatment,
 57 and for hospital service rendered on or after July 1, 2013, a dispute
 58 shall be filed with the commission not later than twelve months after
 59 the date of treatment.

60 (e) If the employer fails to promptly provide a physician or surgeon
 61 or any medical and surgical aid or hospital and nursing service as
 62 required by this section, the injured employee may obtain a physician
 63 or surgeon, selected from the approved list prepared by the chairman,
 64 or such medical and surgical aid or hospital and nursing service at the
 65 expense of the employer.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	31-294d

Statement of Purpose:

To make certain changes regarding employer liability for hospital services.

[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.]