

Raised Bill 319
Public Hearing: 3-11-14

TO: MEMBERS OF THE LABOR AND PUBLIC EMPLOYEES COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA),
WORKERS' COMPENSATION SECTION
DATE: MARCH 11, 2014

RE: SUPPORT OF SB319 AAC MAXIMUM MEDICAL IMPROVEMENT

The CTLA strongly supports passage of SB319, An Act Concerning Maximum Medical Impairment.

I am the Chairman of the Connecticut Trial Lawyers Association's (CTLA) Workers' Compensation Section. I practice law in Ansonia, CT, at the Law Offices of Daniel D. Skuret, P.C. and 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 and have for many years.

Any doctor will tell you that the general philosophy is that the sooner the diagnosis and treatment, the better the recovery and outcome. Delays in examinations affect the diagnosis, course of treatment, and the outcome of treatment. When this happens Injured Workers suffer physically and emotionally and everyone is affected as Injured Workers are kept out of the workforce for longer periods of time than are necessary.

The Chairman of the Workers' Compensation Commission produced **Guidelines for Cooperation** in 2003 that have been revised in 2004, 2005 and 2008. These Guidelines were meant to address issues within the Workers' Compensation Commission. Within these Guidelines on page 7, the Chairman states:

The fact that a patient has reached maximum medical improvement, however, does not extinguish the role of the treating physician. If the patient's accepted workers' compensation claim remains open (the case has not been resolved by way of a full and final stipulation), then that patient is entitled to periodic return visits to the treating physician....Once maximum medical improvement has been achieved, a general rule of thumb would be that an injured employee may periodically (usually not to exceed one visit per year) consult with the authorized

treating physician to determine if any significant changes have occurred. This should be considered a routine visit and should be billed by the physician accordingly.

The problem is that these Guidelines are just that and are not binding on Employers and Employees. The Workers' Compensation Commission is a statutory construct and as thus the obligations of Employers and Employees are determined by statutes. The insurance companies and their representatives who represent Employers continually ignore the Guidelines as they are not binding and continue to cause Injured Workers to not receive appropriate follow-up examinations with their treating physicians. The Guidelines have no teeth and the weight of statute.

Our members see denials of follow-up / periodic return visits to treating physicians after maximum medical improvement has been reached on a consistent basis and it is even worse with Injured Workers that are not represented by legal counsel. Unrepresented Injured Workers are regularly told by insurance companies after maximum medical improvement has been reached that "their file is closed now" and "they cannot obtain any further medical treatment". This is inaccurate and is why some unrepresented Injured Workers eventually obtain legal counsel and are forced to request hearings. Unfortunately, there are a number of Injured Workers out there that do not understand their rights and accept what they are told by the insurance companies until they consult the Commission or a legal representative.

By acting in this way, insurance companies are causing Injured Workers to wait months before they are allowed to return to their treating physicians for evaluations for increased pain and problems caused by their initial injuries.

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 follow-up / periodic return visits to treating physicians that are meant to diagnose worsening conditions, treat Injured Workers, and continue to allow them to be a part of the workforce.

SB319 is needed to respond to delays in Injured Workers receiving reasonable and timely medical examinations. Bill will clarify the obligations of Employers, reduce delays in Injured Workers obtaining follow-up evaluations for worsening conditions, reduce the number of hearings, and keep Injured Workers working. The Workers' Compensation Commission even acknowledges that these delays and unreasonable denials exist. Therefore, we urge The Committee to pass SB319.

Thank you for your time.

Very truly yours,



Patrick D. Skuret, Esq.
Chairman of the Connecticut Trial Lawyers Association
(CTLA) Workers' Compensation Section

WE URGE YOUR SUPPORT OF SB319 AAC MAXIMUM MEDICAL IMPROVEMENT