



General Assembly

February Session, 2014

***Raised Bill No. 61***

LCO No. 357



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 Section 31-294d of the general statutes is repealed and the  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, 2014*):

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] the employee's next of kin. If the employer has a  
26 full-time staff physician or if a physician is available on call, the initial  
27 treatment required immediately following the injury may be rendered  
28 by that physician, but the employee may thereafter select his or her  
29 own physician as provided by this chapter for any further treatment  
30 without prior 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 the commissioner's own motion, authorize or direct a change of  
34 physician or surgeon or hospital or nursing service provided pursuant  
35 to subsection (a) of this section.

36 (d) (1) 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] Prior to July  
41 1, 2016, or prior to the date the chairman of the Workers'  
42 Compensation Commission establishes a fee schedule setting the  
43 liability of employers for hospital service pursuant to subsection (e) of  
44 this section, whichever is earlier, if the employer and hospital have not  
45 otherwise negotiated to determine the liability of the employer for  
46 hospital services required by this section, the liability of the employer

47 for hospital service shall be (A) the [amount it actually costs] operating  
48 costs incurred by the hospital to render the service, [as determined by  
49 the commissioner] plus (B) the weighted state-wide average of  
50 uncompensated care costs, both of which may be calculated using the  
51 ratios reported in the Twelve Months Actual Filing for the most recent  
52 fiscal year prepared by such hospital pursuant to section 19a-676,  
53 which is presumed to be reasonable and correct as applied to the  
54 hospital's pricemaster filed pursuant to section 19a-681, except in the  
55 case of state humane institutions, where the liability of the employer  
56 shall be the per capita cost as determined by the Comptroller under the  
57 provisions of section 17b-223. All disputes concerning liability for  
58 hospital services in workers' compensation cases shall be filed not later  
59 than one year from the date that the employer remits the payment or  
60 notifies the hospital of such employer's dispute and shall be settled by  
61 the commissioner in accordance with this chapter.

62 (2) On and after July 1, 2016, or on and after the date the chairman  
63 of the Workers' Compensation Commission establishes a fee schedule  
64 setting the liability of employers for hospital services pursuant to  
65 subsection (e) of this section, whichever is earlier, unless the employer  
66 and the hospital otherwise agree, the liability of the employer for  
67 hospital service shall be limited to the annual fee schedule published  
68 by the Workers' Compensation Commission pursuant to subsection (e)  
69 of this section.

70 (e) Notwithstanding section 19a-646, the chairman of the Workers'  
71 Compensation Commission shall consult with employers and their  
72 insurance carriers, union representatives, hospitals and third-party  
73 reimbursement organizations to establish, not later than July 1, 2016,  
74 and publish annually thereafter, a fee schedule setting the liability of  
75 employers for hospital services required under this section.

76 [(e)] (f) If the employer fails to promptly provide a physician or  
77 surgeon or any medical and surgical aid or hospital and nursing  
78 service as required by this section, the injured employee may obtain a

79 physician or surgeon, selected from the approved list prepared by the  
80 chairman, or such medical and surgical aid or hospital and nursing  
81 service at the expense of the employer.

82 Sec. 2. Section 31-294h of the general statutes is repealed. (*Effective*  
83 *October 1, 2014*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	31-294d
Sec. 2	<i>October 1, 2014</i>	Repealer section

***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.]*