



General Assembly

**Substitute Bill No. 61**

February Session, 2014



**AN ACT CONCERNING WORKERS' COMPENSATION AND LIABILITY  
FOR HOSPITAL AND AMBULATORY SURGICAL CENTER 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 Section 31-294d of the general statutes is repealed and the  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, ambulatory surgical center and nursing  
7 service, including medical rehabilitation services and prescription  
8 drugs, as the physician or surgeon deems reasonable or necessary. The  
9 employer, any insurer acting on behalf of the employer, or any other  
10 entity acting on behalf of the employer or insurer shall be responsible  
11 for paying the cost of such 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, ambulatory surgical center and nursing service provided

19 by the employer shall include any relevant diagnostic and prophylactic  
20 procedure for and treatment 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, ambulatory surgical center or  
35 nursing service provided pursuant 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 liability of the  
41 employer for hospital and ambulatory surgical center service shall be  
42 the amount it actually costs the hospital or ambulatory surgical center  
43 to render the service, as determined by the commissioner, except in the  
44 case of state humane institutions, the liability of the employer shall be  
45 the per capita cost as determined by the Comptroller under the  
46 provisions of section 17b-223. All disputes concerning liability for  
47 hospital and ambulatory surgical center services in workers'  
48 compensation cases shall be filed not later than one year from the date  
49 that the employer remits the payment or notifies the hospital or  
50 ambulatory surgical center of such employer's dispute and shall be  
51 settled by the commissioner in accordance with this chapter.

52     (2) On and after July 1, 2015, unless the employer and hospital or  
53     ambulatory surgical center have otherwise negotiated to determine the  
54     liability of the employer for hospital or ambulatory surgical center  
55     services required by this section, the liability of the employer for such  
56     service shall be two hundred per cent of the amount that would have  
57     been paid to the hospital or ambulatory surgical center on the same  
58     date for the same such service under the hospital's or ambulatory  
59     surgical center's Medicare reimbursement rate.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2014	31-294d

**LAB**     *Joint Favorable Subst.*

**PH**     *Joint Favorable*

**INS**     *Joint Favorable*