



General Assembly

Amendment

February Session, 2014

LCO No. 5116

SB0006105116SD0

Offered by:

SEN. HOLDER-WINFIELD, 10th Dist.

REP. TERCYAK, 26th Dist.

To: Subst. Senate Bill No. 61

File No. 267

Cal. No. 195

"AN ACT CONCERNING WORKERS' COMPENSATION AND LIABILITY FOR HOSPITAL AND AMBULATORY SURGICAL CENTER SERVICES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 31-294d of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

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

14 (2) If the injured employee is a local or state police officer, state
15 marshal, judicial marshal, correction officer, emergency medical
16 technician, paramedic, ambulance driver, firefighter, or active member
17 of a volunteer fire company or fire department engaged in volunteer
18 duties, who has been exposed in the line of duty to blood or bodily
19 fluids that may carry blood-borne disease, the medical and surgical aid
20 or hospital and nursing service provided by the employer shall include
21 any relevant diagnostic and prophylactic procedure for and treatment
22 of any blood-borne disease.

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

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

38 (d) (1) The pecuniary liability of the employer for the medical and
39 surgical service required by this section shall be limited to the charges
40 that prevail in the same community or similar communities for similar
41 treatment of injured persons of a like standard of living when the
42 similar treatment is paid for by the injured person. [The] Prior to the
43 date the liability of the employer is established pursuant to subdivision
44 (2) of this subsection, the liability of the employer for hospital service
45 shall be the amount it actually costs the hospital to render the service,
46 as determined by the commissioner, except in the case of state humane

47 institutions, the liability of the employer shall be the per capita cost as
48 determined by the Comptroller under the provisions of section 17b-
49 223. All disputes concerning liability for hospital services in workers'
50 compensation cases shall be settled by the commissioner in accordance
51 with this chapter.

52 (2) Commencing ninety days after the formulas established by the
53 chairman of the Workers' Compensation Commission have been
54 published pursuant to subsection (e) of this section, unless the
55 employer and hospital or ambulatory surgical center have otherwise
56 negotiated to determine the liability of the employer for hospital or
57 ambulatory surgical center services required by this section, the
58 liability of the employer for hospital or ambulatory surgical center
59 services shall be: (A) If such services are covered by Medicare, limited
60 to the reimbursements listed in such formulas published pursuant to
61 subsection (e) of this section, or (B) if such services are not covered by
62 Medicare, determined by the chairman, in consultation with employers
63 and their insurance carriers, self-insured employers, hospitals,
64 ambulatory surgical centers, third-party reimbursement organizations
65 and other entities as deemed necessary by the Workers' Compensation
66 Commission.

67 (e) Not later than January 1, 2015, the chairman of the Workers'
68 Compensation Commission shall, in consultation with employers and
69 their insurance carriers, self-insured employers, hospitals, ambulatory
70 surgical centers, third-party reimbursement organizations and other
71 entities as deemed necessary by the Workers' Compensation
72 Commission, establish and publish Medicare-based formulas, when
73 available, to set the liability of employers for hospital and ambulatory
74 surgical center services required by this section that are covered by
75 Medicare. After the initial publication of such formulas, the chairman
76 shall publish such formulas on each January first thereafter.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-294d