

**Proposed Substitute
Bill No. 427**

LCO No. 4932

**AN ACT CONCERNING WORKERS' COMPENSATION AWARDS AND
ATTORNEY FEES.**

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

1 Section 1. Section 31-299a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2015*):

3 (a) Where an employer contests the compensability of an employee's
4 claim for compensation, proof of payment made under a group health,
5 medical or hospitalization plan or policy shall not be a defense to a
6 claim for compensation under this chapter.

7 (b) Where an employer contests the compensability of an
8 employee's claim for compensation, and the employee has also filed a
9 claim for benefits or services under the employer's group health,
10 medical, disability or hospitalization plan or policy, the employer's
11 health insurer may not delay or deny payment of benefits due to the
12 employee under the terms of the plan or policy by claiming that
13 treatment for the employee's injury or disease is the responsibility of
14 the employer's workers' compensation insurer. The health insurer may
15 file a claim in its own right against the employer for the value of
16 benefits paid by the insurer within two years from payment of the
17 benefits. The health insurer shall not have a lien on the proceeds of any
18 award or approval of any compromise made by the commissioner

19 pursuant to the employee's compensation claim, in accordance with
20 the provisions of section 38a-470, unless the health insurer actually
21 paid benefits to or on behalf of the employee.

22 (c) Where an employer contests the compensability of an employee's
23 claim for compensation, and the employee has also filed a claim for
24 benefits or services under the employer's group health, medical,
25 disability or hospitalization plan or policy, and the claim for
26 compensation is ultimately resolved in favor of the claimant, twenty
27 per cent of any amount recovered by the health insurer as a result of
28 any claim that the health insurer may file in its own right against the
29 employer for the value of benefits paid by the insurer pursuant to
30 subsection (b) of this section shall be transferred to the claimant and no
31 attorney's fees shall be payable from such transferred amount.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2015	31-299a