

**TESTIMONY OF  
TRINITY HEALTH-NEW ENGLAND  
IN SUPPORT OF HOUSE BILL NO. 5506  
ROBERT C. HARTLEY, SENIOR VICE PRESIDENT, GOVERNMENT RELATIONS  
TUESDAY MARCH 8, 2016**

I am Robert C. Hartley, the Senior Vice President of Government Relations for Trinity Health – New England. Saint Francis Hospital and Medical Center, along with a number of other Connecticut hospitals, felt that it was consistently being underpaid in workers' compensation cases particularly by parties represented by Fairpay Solutions. Along with these hospitals, Saint Francis agreed to place all of its cases on hold while certain test cases were prepared. These test cases were eventually moved through the worker's compensation system and were resolved by the Connecticut Supreme Court in July 2017. The Connecticut Supreme Court ruled unanimously in favor of the Connecticut hospitals. This ruling should have resolved the several thousand cases which had been placed on hold pending the decision by the Connecticut Supreme Court.

However, in the June 2015 Special Session, a provision was included in Public Act 15-5 (specifically §459 of the implementer bill) which some argue was intended to overrule the Supreme Court decision.

§459 was inserted without any notice or input from the hospitals or the Workers' Compensation Commission.

Under well-established principals of law, the substantive changes and the new statute of limitations contained in §459 should not be applied retroactively. Further, it is likely unconstitutional to do so. In addition, failure to clarify that the language included in

Public Act 15-5 will result in years of additional litigation and unnecessary review by the Workers' Compensation Commission and the courts.

We ask the General Assembly make clear that Public Act 15-5, §459 was not intended to overrule the Connecticut Supreme Court's decision.

Thank you

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