



General Assembly

**Amendment**

January Session, 2019

LCO No. 9285



Offered by:

REP. PORTER, 94<sup>th</sup> Dist.  
SEN. KUSHNER, 24<sup>th</sup> Dist.  
REP. JOHNSON, 49<sup>th</sup> Dist.

REP. CURREY, 11<sup>th</sup> Dist.  
REP. WINKLER, 56<sup>th</sup> Dist.  
REP. ARNONE, 58<sup>th</sup> Dist.

To: House Bill No. 6916

File No. 475

Cal. No. 300

**"AN ACT EXPANDING REMEDIES AND POTENTIAL LIABILITY FOR UNREASONABLY CONTESTED OR DELAYED WORKERS' COMPENSATION CLAIMS."**

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

3 "Section 1. (*Effective from passage*) (a) There is established a task force  
4 to (1) identify whether unreasonably contested or delayed workers'  
5 compensation claims exist, (2) to study methods to expand remedies  
6 regarding potential liability for unreasonably contested or delayed  
7 workers' compensation claims, and (3) to clarify the law regarding bad  
8 faith handling of workers' compensation claims. Such study shall  
9 include, but need not be limited to, an examination of: (A) How such  
10 claims are handled when an injured worker is covered by employee  
11 benefit health insurance, (B) whether an employee benefit plan should  
12 make payments during the time period the Workers' Compensation  
13 Commission takes to determine whether the worker's injury is work

14 related, (C) how claims are handled when an injured worker's  
15 employer does not provide an employee benefit health insurance plan,  
16 (D) the Workers' Compensation Commissioner's authority to fine an  
17 insurance company for unreasonably contested claims or undue delay,  
18 particularly when such undue delay may cause permanent injury to an  
19 employee, (E) delays caused by the failure of medical professionals to  
20 follow the Professional Guide for Attorneys, Physicians and Other  
21 Health Care Practitioners Guidelines for Cooperation, or to provide  
22 respondents with a complete and accurate medical history, including,  
23 but not limited to, all relevant medical records requested, (F) whether  
24 benefits are paid to injured workers or on behalf of injured workers  
25 without prejudice during a period of contest, and (i) the frequency  
26 with which said benefits are reimbursed in cases in which the  
27 underlying injury is deemed not compensable, (ii) the treatment paid  
28 for without prejudice is deemed unreasonable or unnecessary, or (iii)  
29 indemnity was paid during a period of time in which the injured  
30 worker is deemed to have been capable of working and work was  
31 available, (G) remedies when an undue delay in payment causes  
32 unnecessarily long delays in medical treatment, resulting in loss of  
33 employment, (H) types of systems that may be created to obtain data  
34 regarding reasonable treatment and recovery timeframes, and (I) best  
35 methods to prevent unfair claim-handling practices that violate the  
36 Connecticut Unfair Insurance Practices Act, as amended from time to  
37 time, including, but not limited to, the following:

38 (i) Misrepresenting pertinent facts or insurance policy provisions  
39 relating to coverages at issue; (ii) failing to acknowledge and act with  
40 reasonable promptness upon communications with respect to claims  
41 arising out of and in the course of employment under insurance  
42 policies and third-party administration contracts; (iii) failing to adopt  
43 and implement reasonable standards for the prompt investigation of  
44 claims arising out of and in the course of employment to which such  
45 insurance policies and third-party administration contracts shall  
46 respond; (iv) refusing to pay benefits without conducting a reasonable  
47 and timely investigation based upon all available information; (v)

48 failing to affirm or deny coverage of benefits within a reasonable time  
49 after submission of a request for such benefits has been submitted; (vi)  
50 not attempting in good faith to effectuate prompt, fair and equitable  
51 provision of benefits for claims in which liability has become  
52 reasonably clear; (vii) attempting to settle claims on the basis of an  
53 application that was altered without notice to or knowledge or consent  
54 of the insured; (viii) making known to beneficiaries of such insurance  
55 policies or third-party contracts of administration pursuant to this  
56 section a policy of appealing from decisions of a workers'  
57 compensation commissioner or administrative law judge in favor of  
58 such beneficiaries for the purpose of compelling the acceptance of  
59 settlements or compromises in an amount less than the amount  
60 awarded in decisions; (vix) delaying the investigation or payment of  
61 claims by requiring a beneficiary or health care provider to submit a  
62 preliminary claim report and then requiring the subsequent  
63 submission of formal proof-of-loss forms, both of which submissions  
64 contain substantially the same information; or (x) failing to promptly  
65 provide a reasonable written explanation for the denial of a claim or  
66 for an offer of a compromise and settlement in relation to the facts or  
67 applicable law.

68 (b) The task force shall consist of the following members:

69 (1) Three appointed by the speaker of the House of Representatives,  
70 one of whom is an attorney and a member of the Connecticut Trial  
71 Lawyers Association, who has experience in workers' compensation  
72 cases, one of whom is an attorney and a member of the Connecticut  
73 Defense Lawyers Association, who primarily represents respondents  
74 in workers' compensation cases, and one of whom is a representative  
75 of the Connecticut Business Association of Connecticut.

76 (2) Three appointed by the president pro tempore of the Senate, one  
77 of whom is a representative of physicians who treat workers'  
78 compensation claims patients, one of whom is a physician who  
79 performs independent medical examinations in workers'  
80 compensation cases, and one of whom is a representative of the

81 Connecticut State Medical Society;

82 (3) Two appointed by the majority leader of the House of  
83 Representatives, one of whom shall be a member of the General  
84 Assembly, and one of whom shall be a representative of the insurance  
85 industry;

86 (4) Two appointed by the majority leader of the Senate, one of  
87 whom shall be a member of the Workers' Compensation Legal  
88 Advisory Panel or the Workers' Compensation Medical Advisory  
89 Panel, whomever of which is available for any scheduled meeting, and  
90 one of whom represents the Connecticut Conference of Municipalities;

91 (5) One appointed by the minority leader of the House of  
92 Representatives, who shall be a representative of the business  
93 community;

94 (6) One appointed by the minority leader of the Senate, who shall  
95 represent a workers' compensation insurance carrier;

96 (7) The chairperson of the Workers' Compensation Commission, or  
97 the chairperson's designee;

98 (8) The Insurance Commissioner, or the commissioner's designee;

99 (9) The Commissioner of Social Services, or the commissioner's  
100 designee; and

101 (10) The Commissioner of Administrative Services, or the  
102 commissioner's designee;

103 (c) Any member of the task force appointed under subdivision (1),  
104 (2), (5) or (6) of subsection (b) of this section may be a member of the  
105 General Assembly.

106 (d) All appointments to the task force shall be made not later than  
107 August 1, 2019. Any vacancy shall be filled by the appointing  
108 authority.

109 (e) The speaker of the House of Representatives and the president  
 110 pro tempore of the Senate shall select the chairpersons of the task force  
 111 from among the members of the task force. Such chairpersons shall  
 112 schedule the first meeting of the task force, which shall be held not  
 113 later than sixty days after the effective date of this section.

114 (f) The administrative staff of the joint standing committee of the  
 115 General Assembly having cognizance of matters relating to labor shall  
 116 serve as administrative staff of the task force.

117 (g) Not later than January 1, 2020, the task force shall submit a  
 118 report on its findings and recommendations to the joint standing  
 119 committee of the General Assembly having cognizance of matters  
 120 relating to labor, in accordance with the provisions of section 11-4a of  
 121 the general statutes. The task force shall terminate on the date that it  
 122 submits such report or January 1, 2020, whichever is later."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section