
OLR Bill Analysis

sSB 222

AN ACT REQUIRING NOTICE OF DISCONTINUING PRESCRIPTION MEDICINE UNDER A WORKERS' COMPENSATION CLAIM.

SUMMARY

This bill requires an employer or insurer to provide notice to an employee and the Workers' Compensation Commission (WCC) before discontinuing or reducing payments for prescription drugs the employee is receiving under workers' compensation. The bill specifies (1) how the notice must be made, (2) that the employee has the right to a hearing on the matter, and (3) that no discontinuance or reduction in payment will happen before an administrative judge approves it in writing.

It also sets a penalty if a discontinuance or reduction takes place without approval.

EFFECTIVE DATE: October 1, 2022

PRESCRIPTION DRUGS UNDER WORKERS' COMPENSATION

By law, when an employee is injured at work, the employer has the responsibility to provide a physician, surgeon, physician assistant, or advanced practice registered nurse to attend to the injured employee. These medical professionals can prescribe prescription drugs for the employee as they deem necessary and the employer or the employer's insurance (or any representative acting on behalf of the employer or insurer) must pay for the prescription drugs and medical treatment.

Notice

The bill requires the notice of a possible discontinuance or reduction of payments to be made by certified mail to the employee and the WCC administrative law judge. The notice must inform the employee that a request for a hearing must be made no later than 15 days after the receipt

of the notice, or it will be approved automatically (Presumably, this means the request for the discontinuance or reduction of payment will be approved, not the notice itself.)

The notice also must include:

1. the reason for the discontinuance or reduction and the date it would begin;
2. the employee's identity, the employee's attorney or other representative, the employer, and the insurer;
3. information about the injury, including the date it happened, the city or town where it happened, and the nature of the injury; and
4. (4) medical documentation providing the basis for the discontinuance or reduction and the name of the claimant's attending physician or advanced practice registered nurse.

The bill requires the notice to substantially follow a form included in the bill. The form for the notice requires a heading stating, "IMPORTANT," followed by the notification that the employer or insurer intends to reduce or discontinue the individual's prescription payments on a specified date and the other required information mentioned above.

The form includes the following directions for the employee:

1. To request an Informal Hearing, call the Workers' Compensation Commission District Office in which your case is pending.
2. Be prepared to provide medical and other documentation to support your objection.
3. For your protection, note the date when you received this notice.

Hearing

Under the bill, any such request for a hearing must have priority over requests for hearings on other matters. An administrative law judge

cannot approve a discontinuance or reduction before the expiration of the 15-day period for requesting a hearing or the completion of a hearing, whichever is later. No discontinuance or reduction will become effective unless the administrative law judge specifically approves it in writing.

Penalty

Under the bill, when the administrative law judge finds the employer has discontinued or reduced any payments for prescriptions without the judge's approval, the employer will be required to pay the employee (1) the amount of all payments discontinued, plus interest at a rate of 1.25% per month or portion of a month on any discontinued payments or payment reductions and (2) reasonable attorney's fees incurred by the employee related to the discontinuance or reduction.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9 Nay 4 (03/10/2022)