



Senate

General Assembly

File No. 646

February Session, 2022

Substitute Senate Bill No. 222

Senate, April 26, 2022

The Committee on Appropriations reported through SEN. OSTEN of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

1 Section 1. Subsection (a) of section 31-294d of the 2022 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2022*):

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

15 reports a work-related injury or condition to the employer the employer
16 shall provide the employee with such approved providers list within
17 two business days of such reporting.

18 (2) Before discontinuing or reducing payment for prescription drugs,
19 which a physician has deemed reasonable or necessary under this
20 section, the employer, or any insurer acting on behalf of the employer,
21 shall notify the administrative law judge and the employee, by certified
22 mail, of the proposed discontinuance or reduction of such payments.
23 Such notice shall specify the reason for the proposed discontinuance or
24 reduction and the date such proposed discontinuance or reduction will
25 commence. The employer's or insurer's notice of intention to
26 discontinue or reduce payments shall (A) identify the claimant, the
27 claimant's attorney or other representative, the employer, the insurer,
28 and the injury, including the date of the injury, the city or town in which
29 the injury occurred and the nature of the injury, (B) include medical
30 documentation that (i) establishes the basis for the discontinuance or
31 reduction of payments, and (ii) identifies the claimant's attending
32 physician or advanced practice registered nurse, and (C) be in
33 substantially the following form:

34 IMPORTANT
35 STATE OF CONNECTICUT WORKERS' COMPENSATION
36 COMMISSION

37 YOU ARE HEREBY NOTIFIED THAT THE EMPLOYER OR
38 INSURER INTENDS TO REDUCE OR DISCONTINUE YOUR
39 PRESCRIPTION PAYMENTS ON ... (date) FOR THE FOLLOWING
40 REASONS:

41 If you object to the discontinuance of prescription payments as stated
42 in this notice, YOU MUST REQUEST A HEARING NOT LATER THAN
43 15 DAYS after your receipt of this notice, or this notice will
44 automatically be approved.

45 To request an Informal Hearing, call the Workers' Compensation

46 Commission District Office in which your case is pending.

47 Be prepared to provide medical and other documentation to support
48 your objection. For your protection, note the date when you received
49 this notice.

50 (3) No discontinuance or reduction shall become effective unless
51 specifically approved in writing by the administrative law judge. The
52 employee may request a hearing on any such proposed discontinuance
53 not later than fifteen days after receipt of such notice. Any such request
54 for a hearing shall be given priority over requests for hearings on other
55 matters. The administrative law judge shall not approve any such
56 discontinuance or reduction prior to the expiration of the period for
57 requesting a hearing or the completion of such hearing, whichever is
58 later.

59 [(2)] (4) If the injured employee is a local or state police officer, state
60 marshal, judicial marshal, correction officer, emergency medical
61 technician, paramedic, ambulance driver, firefighter, or active member
62 of a volunteer fire company or fire department engaged in volunteer
63 duties, who has been exposed in the line of duty to blood or bodily fluids
64 that may carry blood-borne disease, the medical and surgical aid or
65 hospital and nursing service provided by the employer shall include any
66 relevant diagnostic and prophylactic procedure for and treatment of any
67 blood-borne disease.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	31-294d(a)

APP Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill requires an employer, or any insurer acting on behalf of the employer, to provide written notification to the Workers' Compensation Commission administrative law judge and the employee prior to the discontinuance of any prescription medicine, which results in no fiscal impact.

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 may happen before an administrative judge approves it in writing.

EFFECTIVE DATE: October 1, 2022

PRESCRIPTION DRUGS UNDER WORKERS' COMPENSATION

By law, when an employee is injured at work, the employer must provide a physician, surgeon, physician assistant, or advanced practice registered nurse (APRN) 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. (The required notice language saying it will be "approved automatically" if there is no

request for a hearing, appears to conflict with other language in the bill stating that no discontinuation or reduction can take place until an administrative law judge approves in writing.)

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. medical documentation providing the basis for the discontinuance or reduction and the name of the claimant's attending physician or APRN.

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.

BACKGROUND

Bill History

The Senate referred the bill to the Appropriations Committee, which reported out a joint favorable substitute that removes the original bill’s penalty for the employer when an administrative law judge determines that the employer discontinued or reduced any payments for prescriptions without the judge’s approval.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9 Nay 4 (03/10/2022)

Appropriations Committee

Joint Favorable Substitute

Yea 47 Nay 1 (04/18/2022)