

Labor and Public Employees Committee

JOINT FAVORABLE REPORT

Bill No.: SB-222

AN ACT REQUIRING NOTICE OF DISCONTINUING PRESCRIPTION

Title: MEDICINE UNDER A WORKERS' COMPENSATION CLAIM.

Vote Date: 3/10/2022

Vote Action: Joint Favorable Substitute

PH Date: 3/3/2022

File No.: 159

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SPONSORS OF BILL:

Labor and Public Employees Committee

Rep. Winkler, 5th District

REASONS FOR BILL:

Currently, employees can be cut off from receiving medication they need without approval which can lead to detrimental impacts on the employees' quality of life. This bill would require an employer or insurer to provide notice to an employee and the Workers' Compensation Commission before an employer or insurer can discontinue payments for prescription medication that an employee is receiving under workers' compensation.

SUBSTITUTE LANGUAGE:

The word "commissioner" replaces "administrative law judge" to ensure the existing terminology remains consistent in statute.

RESPONSE FROM ADMINISTRATION/AGENCY:

None stated.

NATURE AND SOURCES OF SUPPORT:

Connecticut AFL-CIO, President, Ed Hawthorne; supports this bill stating that it is difficult for employees to win a workers' compensation case and most claims are rejected in hopes the employee won't know they have the right to request a hearing. It was stated that it can take months to receive relief and this bill would prevent an employer or insurance company from discontinuing or reducing prescription drug coverage unless approved in writing.

Connecticut Trial Lawyers Association, Chair, Megan Lyon; supports this bill stating that there are detrimental impacts to cutting off employees from prescribed medication. It is stated that as it stands, employees can be cut off from receiving medication without any approval. It is also stated that this bill would protect employees from suffering from withdrawal or any other physical complication due to the sudden failure to provide authorization for a medically related and prescribed medication.

Connecticut Orthopedic Society, President, Tarik Kardestuncer; supports this bill stating that no changes should be made to a patient's care and treatment plan by any entity other than the physician and patient. It is stated that patients should be notified before discontinuance of medications and this bill would allow patient input and recourse.

Service Employees International Union, Connecticut Council, Stacey Zimmerman supports this bill.

NATURE AND SOURCES OF OPPOSITION:

American Property Casualty Insurance Association; opposes the bill stating it is critical for injured workers to receive the most effective drug treatment possible in a timely manner. It is stated that reviewing evidence-based material would increase disputes, costs and lead to ineffective medications that could be harmful.

Insurance Association of Connecticut, President, Eric George; opposes this bill would require significant and costly changes to the system and processes of workers' compensation insurance coverage. It is stated that before being discontinued, each case would require a laborious peer review analysis causing more work. It is also stated that it impacts instances where brand name medication is substituted with an equally effective generic equivalent.

Connecticut, Resident, David Godbout; opposes this stating it violates the Fourth Amendment of the Constitution.

Connecticut Business and Industry Association, Associate Counsel, John Blair opposes this bill stating it would result in costly and burdensome changes including fees for Administrative Law Judges and employers. It is stated that injured workers already have access to emergency informal hearings when needed.

American Property Casualty Insurance Association; opposes this bill stating that it is crucial for injured workers to receive the most effective drug treatment possible. It is stated that it is important to review evidence-based material to ensure the best medical care is available in a timely manner.

Connecticut Conference of Municipalities, Senior Legislative Associate, Zachary McKeown; opposes this bill stating there is no need for this bill. It is stated that this bill would increase litigations and add confusion to the current process.

Reported by: Marie Knudsen

Date: March 17, 2022