



Substitute House Bill No. 5250

Public Act No. 22-89

**AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO
THE WORKERS' COMPENSATION ACT.**

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

Section 1. Subdivision (10) of section 31-275 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(10) "Employer" means any person, corporation, limited liability company, firm, partnership, voluntary association, joint stock association, the state and any public corporation within the state using the services of one or more employees for pay, or the legal representative of any such employer, but all contracts of employment between an employer employing persons excluded from the definition of employee and any such employee shall be conclusively presumed to include the following mutual agreements between employer and employee: (A) That the employer may accept and become bound by the provisions of this chapter by immediately complying with section 31-284, as amended by this act; (B) that, if the employer accepts the provisions of this chapter, the employee shall then be deemed to accept and be bound by such provisions unless the employer neglects or refuses to furnish immediately to the employee, on his or her written request, evidence of compliance with section 31-284, as amended by this

Substitute House Bill No. 5250

act, in the form of a certificate from the administrative law judge, the Insurance Commissioner or the insurer, as the case may be; (C) that the employee may, at any time, withdraw his or her acceptance of, and become released from, the provisions of this chapter by giving written or printed notice of his or her withdrawal to the [administrative law judge] chairperson and to the employer, and the withdrawal shall take effect immediately from the time of its service on the [administrative law judge] chairperson and the employer; and (D) that the employer may withdraw his or her acceptance and the acceptance of the employee by filing a written or printed notice of his or her withdrawal with the [administrative law judge] chairperson and with the employee, and the withdrawal shall take effect immediately from the time of its service on the [administrative law judge] chairperson and the employee. The notices of acceptance and withdrawal to be given by an employer employing persons excluded from the definition of employee and the notice of withdrawal to be given by the employee, as provided in this subdivision, shall be served upon the [administrative law judge] chairperson, employer or employee, [either by personal presentation or by registered or certified mail] in accordance with section 31-321, as amended by this act. In determining the number of employees employed by an individual, the employees of a partnership of which he is a member shall not be included. A person who is the sole proprietor of a business may accept the provisions of this chapter by notifying the [administrative law judge] chairperson, in writing, of his or her intent to do so. If such person accepts the provisions of this chapter he shall be considered to be an employer and shall insure his or her full liability in accordance with subdivision (2) of subsection (b) of section 31-284, as amended by this act. Such person may withdraw his or her acceptance by giving notice of his or her withdrawal, in writing, to the [administrative law judge] chairperson. Any person who is a partner in a business shall be deemed to have accepted the provisions of this chapter and shall insure his or her full liability in accordance with subdivision (2) of subsection (b) of section 31-284, as amended by this

Substitute House Bill No. 5250

act, unless the partnership elects to be excluded from the provisions of this chapter by notice, in writing and by signed agreement of each partner, to the [administrative law judge] chairperson.

Sec. 2. Subsections (a) and (b) of section 31-294c of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No proceedings for compensation under the provisions of this chapter shall be maintained unless a written notice of claim for compensation is given within one year from the date of the accident or within three years from the first manifestation of a symptom of the occupational disease, as the case may be, which caused the personal injury, provided, if death has resulted within two years from the date of the accident or first manifestation of a symptom of the occupational disease, a dependent or dependents, or the legal representative of the deceased employee, may make claim for compensation within the two-year period or within one year from the date of death, whichever is later. Notice of claim for compensation may be given to the employer or any administrative law judge and shall state, in simple language, the date and place of the accident and the nature of the injury resulting from the accident, or the date of the first manifestation of a symptom of the occupational disease and the nature of the disease, as the case may be, and the name and address of the employee and of the person in whose interest compensation is claimed. An employee of the state shall send a copy of the notice to the Commissioner of Administrative Services. An employee of a municipality shall send a copy of the notice to the town clerk of the municipality in which he or she is employed. An employer, other than the state or a municipality, may opt to post a copy of where notice of a claim for compensation shall be sent by an employee in the workplace location where other labor law posters required by the Labor Department are prominently displayed. In addition, an employer, opting to post where notice of a claim for compensation by an employee

Substitute House Bill No. 5250

shall be sent, shall forward the address of where notice of a claim for compensation shall be sent to the Workers' Compensation Commission and the commission shall post such address on its Internet web site. An employer shall be responsible for verifying that information posted at a workplace location is consistent with the information posted on the commission's Internet web site. If an employee, other than an employee of the state or a municipality, opts to mail to his or her employer the written notice of a claim for compensation required under the provisions of this section, such written notice shall be sent by the employee to the employer [by certified mail] in accordance with section 31-321, as amended by this act. As used in this section, "manifestation of a symptom" means manifestation to an employee claiming compensation, or to some other person standing in such relation to him that the knowledge of the person would be imputed to him, in a manner that is or should be recognized by him as symptomatic of the occupational disease for which compensation is claimed.

(b) Whenever liability to pay compensation is contested by the employer, he shall file with the administrative law judge, on or before the twenty-eighth day after he has received a written notice of claim, a notice in accord with a form prescribed by the [chairman] chairperson of the Workers' Compensation Commission stating that the right to compensation is contested, the name of the claimant, the name of the employer, the date of the alleged injury or death and the specific grounds on which the right to compensation is contested. The employer shall send a copy of the notice to the employee in accordance with section 31-321, as amended by this act. If the employer or his legal representative fails to file the notice contesting liability on or before the twenty-eighth day after he has received the written notice of claim, the employer shall commence payment of compensation for such injury or death on or before the twenty-eighth day after he has received the written notice of claim, but the employer may contest the employee's right to receive compensation on any grounds or the extent of his

Substitute House Bill No. 5250

disability within one year from the receipt of the written notice of claim, provided the employer shall not be required to commence payment of compensation when the written notice of claim has not been properly served in accordance with section 31-321 or when the written notice of claim fails to include a warning that (1) the employer, if he has commenced payment for the alleged injury or death on or before the twenty-eighth day after receiving a written notice of claim, shall be precluded from contesting liability unless a notice contesting liability is filed within one year from the receipt of the written notice of claim, and (2) the employer shall be conclusively presumed to have accepted the compensability of the alleged injury or death unless the employer either files a notice contesting liability on or before the twenty-eighth day after receiving a written notice of claim or commences payment for the alleged injury or death on or before such twenty-eighth day. An employer shall be entitled, if he prevails, to reimbursement from the claimant of any compensation paid by the employer on and after the date the administrative law judge receives written notice from the employer or his legal representative, in accordance with the form prescribed by the [chairman] chairperson of the Workers' Compensation Commission, stating that the right to compensation is contested. Notwithstanding the provisions of this subsection, an employer who fails to contest liability for an alleged injury or death on or before the twenty-eighth day after receiving a written notice of claim and who fails to commence payment for the alleged injury or death on or before such twenty-eighth day, shall be conclusively presumed to have accepted the compensability of the alleged injury or death. If an employer has opted to post an address of where notice of a claim for compensation by an employee shall be sent, as described in subsection (a) of this section, the twenty-eight-day period set forth in this subsection shall begin on the date when such employer receives written notice of a claim for compensation at such posted address.

Sec. 3. Subsection (b) of section 31-296 of the 2022 supplement to the

Substitute House Bill No. 5250

general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Before discontinuing or reducing payment on account of total or partial incapacity under any such agreement, the employer or the employer's insurer, if it is claimed by or on behalf of the injured employee that such employee's incapacity still continues, shall notify the administrative law judge and the employee, [by certified mail] in accordance with section 31-321, as amended by this act, of the proposed discontinuance or reduction of such payments. Such notice shall specify the reason for the proposed discontinuance or reduction and the date such proposed discontinuance or reduction will commence. No discontinuance or reduction shall become effective unless specifically approved in writing by the administrative law judge. The employee may request a hearing on any such proposed discontinuance or reduction not later than fifteen days after receipt of such notice. Any such request for a hearing shall be given priority over requests for hearings on other matters. The administrative law judge shall not approve any such discontinuance or reduction prior to the expiration of the period for requesting a hearing or the completion of such hearing, whichever is later. In any case where the administrative law judge finds that an employer has discontinued or reduced any payments made in accordance with this section without the approval of the administrative law judge, such employer shall be required to pay to the employee the total amount of all payments so discontinued or the total amount by which such payments were reduced, as the case may be, and shall be required to pay interest to the employee, at a rate of one and one-quarter per cent per month or portion of a month, on any payments so discontinued or on the total amount by which such payments were reduced, as the case may be, plus reasonable attorney's fees incurred by the employee in relation to such discontinuance or reduction.

Sec. 4. Section 31-321 of the general statutes is repealed and the

Substitute House Bill No. 5250

following is substituted in lieu thereof (*Effective from passage*):

Unless otherwise specifically provided, or unless the circumstances of the case or the rules of the commission direct otherwise, any notice required under this chapter to be served upon an employer, employee, [or] administrative law judge or the chairperson shall be by written or printed notice, service personally or by registered or certified mail addressed to the person upon whom it is to be served at the person's last-known residence or place of business. Notices on behalf of a minor shall be given by or to such minor's parent or guardian or, if there is no parent or guardian, then by or to such minor.

Sec. 5. Section 31-276 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall be a Workers' Compensation Commission to administer the workers' compensation system. There shall be sixteen administrative law judges. On or before the date of the expiration of the term of each administrative law judge or upon the occurrence of a vacancy in the office of any administrative law judge for any reason, the Governor shall nominate a competent person to fill that office. Subsequent to July 1, 1993, each person nominated by the Governor to serve as an administrative law judge shall have been a member in good standing of the Connecticut bar for at least five years preceding the nomination, provided the Governor shall not be precluded from renominating an individual who has previously served as an administrative law judge. The administrative law judges shall, upon nomination by the Governor, be appointed by the General Assembly as prescribed by law. They shall serve for a term of five years, but may be removed by impeachment. The Governor shall from time to time select one of the sixteen administrative law judges to serve as [chairman] chairperson of the Workers' Compensation Commission at the pleasure of the Governor. The administrative law judge selected by the Governor to be [chairman] chairperson shall have previously served as an

Substitute House Bill No. 5250

administrative law judge in this state for at least one year.

(b) Notwithstanding the provisions of subsection (a) of this section, on and after October 1, 1988, any administrative law judge whose term expires on December thirty-first shall continue to serve until the next succeeding March thirty-first.

(c) Each nomination made by the Governor to the General Assembly for an administrative law judge shall be referred, without debate, to the committee on the judiciary, which shall report thereon within thirty legislative days from the time of reference, but no later than seven legislative days before the adjourning of the General Assembly. Each appointment by the General Assembly of an administrative law judge shall be by concurrent resolution. The action on the passage of each such resolution in the House and in the Senate shall be by vote taken on the electrical roll-call device. No resolution shall contain the name of more than one nominee. The Governor shall, within five days after he has notice that any nomination for an administrative law judge made by him has failed to be approved by the affirmative concurrent action of both houses of the General Assembly, make another nomination to such office.

(d) Notwithstanding the provisions of section 4-19, no vacancy in the position of an administrative law judge shall be filled by the Governor when the General Assembly is not in session unless, prior to such filling, the Governor submits the name of the proposed vacancy appointee to the committee on the judiciary. Within forty-five days, the committee on the judiciary may, upon the call of either [chairman] chairperson, hold a special meeting for the purpose of approving or disapproving such proposed vacancy appointee by majority vote. The Governor shall not administer the oath of office to such proposed vacancy appointee until the committee has approved such proposed vacancy appointee. If the committee determines that it cannot complete its investigation and act on such proposed vacancy appointee within such forty-five-day period,

Substitute House Bill No. 5250

it may extend such period by an additional fifteen days. The committee shall notify the Governor in writing of any such extension. Failure of the committee to act on such proposed vacancy appointee within such forty-five-day period or any fifteen-day extension period shall be deemed to be an approval.

(e) Each administrative law judge shall be sworn to a faithful performance of his duties. After notice and public hearing the Governor may remove any administrative law judge for cause and the good of the public service. Each administrative law judge shall devote his full time to the duties of his office and shall not be otherwise gainfully employed.

Sec. 6. Subsection (a) of section 31-277 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each administrative law judge shall, during his first year of service as an administrative law judge, receive an annual salary of six thousand dollars less than the highest step level of a Superior Court judge; during his second year of service as an administrative law judge, each administrative law judge shall receive an annual salary of five thousand dollars less than the highest step level of a Superior Court judge; during his third year of service as an administrative law judge, he shall receive an annual salary of four thousand dollars less than the highest step level of a Superior Court judge; during his fourth year of service as an administrative law judge, he shall receive an annual salary of three thousand dollars less than the highest step level of a Superior Court judge; during his fifth year of service as an administrative law judge, he shall receive an annual salary of two thousand dollars less than the highest step level of a Superior Court judge; and during his sixth year of service as an administrative law judge, he shall receive an annual salary of one thousand dollars less than the highest step level of a Superior Court judge, together with his necessary clerical, office and travel expenses as approved by the Comptroller; and the [chairman]

Substitute House Bill No. 5250

chairperson of the Workers' Compensation Commission shall receive in addition ten thousand dollars annually. Each administrative law judge shall devote his entire time to the duties of his office and shall not be otherwise gainfully employed.

Sec. 7. Section 31-278 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Each administrative law judge shall, for the purposes of this chapter, have power to summon and examine under oath such witnesses, and may direct the production of, and examine or cause to be produced or examined, such books, records, vouchers, memoranda, documents, letters, contracts or other papers in relation to any matter at issue as he may find proper, and shall have the same powers in reference thereto as are vested in magistrates taking depositions and shall have the power to order depositions pursuant to section 52-148. He shall have power to certify to official acts and shall have all powers necessary to enable him to perform the duties imposed upon him by the provisions of this chapter. Each administrative law judge shall hear all claims and questions arising under this chapter in the district to which the administrative law judge is assigned and all such claims shall be filed in the district in which the claim arises, provided, if it is uncertain in which district a claim arises, or if a claim arises out of several injuries or occupational diseases which occurred in one or more districts, the administrative law judge to whom the first request for hearing is made shall hear and determine such claim to the same extent as if it arose solely within his own district. If an administrative law judge is disqualified or temporarily incapacitated from hearing any matter, or if the parties shall so request and the [chairman] chairperson of the Workers' Compensation Commission finds that it will facilitate a speedier disposition of the claim, he shall designate some other administrative law judge to hear and decide such matter. The Superior Court, on application of an administrative law judge or the [chairman]

Substitute House Bill No. 5250

chairperson or the Attorney General, may enforce, by appropriate decree or process, any provision of this chapter or any proper order of an administrative law judge or the [chairman] chairperson rendered pursuant to any such provision. Any administrative law judge, after ceasing to hold office as such administrative law judge, may settle and dispose of all matters relating to appealed cases, including correcting findings and certifying records, as well as any other unfinished matters pertaining to causes theretofore tried by him, to the same extent as if he were still such administrative law judge.

Sec. 8. Section 31-279 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The [chairman] chairperson of the Workers' Compensation Commission shall adopt regulations, in accordance with the provisions of chapter 54, specifying the minimum information to be contained in a notice of the availability of compensation which shall be posted in the workplace by each employer subject to the provisions of this chapter pursuant to subsection (f) of section 31-284.

(b) The [chairman] chairperson of the Workers' Compensation Commission shall, not later than July 1, 1991, adopt regulations, in accordance with chapter 54, to create a uniform system to be used by medical professionals in determining the degree of physical impairment of persons receiving compensation under this chapter.

(c) (1) Any employer or any insurer acting on behalf of an employer, may establish a plan, subject to the approval of the [chairman] chairperson of the Workers' Compensation Commission under subsection (d) of this section, for the provision of medical care that the employer provides for treatment of any injury or illness under this chapter. Each plan shall contain such information as the [chairman] chairperson shall require, including, but not limited to:

Substitute House Bill No. 5250

(A) A listing of all persons who will provide services under the plan, along with appropriate evidence that each person listed has met any licensing, certification or registration requirement necessary for the person to legally provide the service in this state;

(B) A listing of all pharmacies that will provide services under the plan, to which the employer, any insurer acting on behalf of the employer, or any other entity acting on behalf of the employer or insurer shall make direct payments for any prescription drug prescribed by a physician participating in the plan;

(C) A designation of the times, places and manners in which the services will be provided;

(D) A description of how the quality and quantity of medical care will be managed; and

(E) Such other provisions as the employer and the employees may agree to, subject to the approval of the [chairman] chairperson.

(2) The election by an employee covered by a plan established under this subsection to obtain medical care and treatment from a provider of medical services who is not listed in the plan shall suspend the employee's right to compensation, subject to the order of the administrative law judge.

(d) Each plan established under subsection (c) of this section shall be submitted to the [chairman] chairperson for his approval at least one hundred twenty days before the proposed effective date of the plan and each approved plan, along with any proposed changes therein, shall be resubmitted to the [chairman] chairperson every two years thereafter for reapproval. The [chairman] chairperson shall approve or disapprove such plans on the basis of standards established by the [chairman] chairperson in consultation with a medical advisory panel appointed by the [chairman] chairperson. Such standards shall include, but not be

Substitute House Bill No. 5250

limited to: (1) The ability of the plan to provide all medical and health care services that may be required under this chapter in a manner that is timely, effective and convenient for the employees; (2) the inclusion in the plan of all categories of medical service and of an adequate number of providers of each type of medical service in accessible locations to ensure that employees are given an adequate choice of providers; (3) the provision in the plan for appropriate financial incentives to reduce service costs and utilization without a reduction in the quality of service; (4) the inclusion in the plan of fee screening, peer review, service utilization review and dispute resolution procedures designed to prevent inappropriate or excessive treatment; and (5) the inclusion in the plan of a procedure by which information on medical and health care service costs and utilization will be reported to the [chairman] chairperson in order for him to determine the effectiveness of the plan.

(e) Any person who serves as a member of the medical advisory panel, appointed by the [chairman] chairperson of the Workers' Compensation Commission pursuant to subsection (d) of this section, shall be deemed to be a state officer or employee for purposes of indemnification and defense under section 5-141d.

Sec. 9. Section 31-280 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall continue to be a [chairman] chairperson of the Workers' Compensation Commission selected by the Governor as provided in section 31-276, as amended by this act. The [chairman] chairperson may not hear any matter arising under this chapter, except appeals brought before the Compensation Review Board and except as provided in subdivision (14) of subsection (b) of this section. The [chairman] chairperson shall prepare the forms used by the commission, shall have custody of the insurance coverage cards, shall prepare and keep a list of self-insurers, shall prepare the annual report to the

Substitute House Bill No. 5250

Governor and shall publish, when necessary, bulletins showing the changes in the compensation law, with annotations to the Connecticut cases. The [chairman] chairperson shall be provided with sufficient staff to assist him in the performance of his duties. The [chairman] chairperson may, within available appropriations, appoint acting administrative law judges on a per diem basis from among former administrative law judges or qualified members of the bar of this state. Any acting administrative law judge appointed under this subsection shall be paid on a per diem basis in an amount to be determined by the Commissioner of Administrative Services, subject to the provisions of section 4-40, and shall have all the powers and duties of administrative law judges. The Workers' Compensation Commission shall not be construed to be a commission or board subject to the provisions of section 4-9a.

(b) The [chairman] chairperson of the Workers' Compensation Commission shall:

(1) Establish workers' compensation districts and district offices within the state, assign administrative law judges to the districts to hear all matters arising under this chapter within the districts and may reassign administrative law judges once each year, except that when there is a vacancy, illness or other emergency, or when unexpected caseload increases require, the [chairman] chairperson may reassign administrative law judges more than once each year;

(2) Adopt such rules as the [chairman] chairperson, in consultation with the advisory board, deems necessary for the conduct of the internal affairs of the Workers' Compensation Commission;

(3) Adopt regulations, in consultation with the advisory board and in accordance with the provisions of chapter 54, to carry out his responsibilities under this chapter;

Substitute House Bill No. 5250

(4) Prepare and adopt an annual budget and plan of operation in consultation with the advisory board;

(5) Prepare and submit an annual report to the Governor and the General Assembly;

(6) Allocate the resources of the commission to carry out the purposes of this chapter;

(7) Establish an organizational structure and such divisions for the commission, consistent with this chapter, as the [chairman] chairperson deems necessary for the efficient and prompt operation of the commission;

(8) Establish policy for all matters over which the commission has jurisdiction, including education, statistical support and administrative appeals;

(9) Appoint such supplementary advisory panels as the [chairman] chairperson deems necessary and helpful;

(10) Establish, in consultation with the advisory board, (A) an approved list of practicing physicians, surgeons, podiatrists, optometrists and dentists from which an injured employee shall choose for examination and treatment under the provisions of this chapter, which shall include, but not be limited to, classifications of approved practitioners by specialty, and (B) standards for the approval and removal of physicians, surgeons, podiatrists, optometrists and dentists from the list by the [chairman] chairperson;

(11) (A) Establish standards in consultation with the advisory board for approving all fees for services rendered under this chapter by attorneys, physicians, surgeons, podiatrists, optometrists, dentists and other persons;

Substitute House Bill No. 5250

(B) In consultation with employers, their insurance carriers, union representatives, physicians and third-party reimbursement organizations establish, not later than October 1, 1993, and publish annually thereafter, a fee schedule setting the fees payable by an employer or its insurance carrier for services rendered under this chapter by an approved physician, surgeon, podiatrist, optometrist, dentist and other persons, provided the fee schedule shall not apply to services rendered to a claimant who is participating in an employer's managed care plan pursuant to section 31-279, as amended by this act. On and after April 1, 2008, the [chairman] chairperson shall implement and annually update relative values based on the Medicare resource-based relative value scale and implement coding guidelines in conformance with the Correct Coding Initiative used by the federal Centers for Medicare and Medicaid Services. The conversion to the Medicare resource-based relative value scale shall be revenue-neutral. The fee schedule shall limit the annual growth in total medical fees to the annual percentage increase in the consumer price index for all urban workers. The [chairman] chairperson may make necessary adjustments to the fee schedule for services rendered under this chapter where there is no established Medicare resource-based relative value. Payment of the established fees by the employer or its insurance carrier shall constitute payment in full to the practitioner, and the practitioner may not recover any additional amount from the claimant to whom services have been rendered;

(C) Issue, not later than October 1, 1993, and publish annually thereafter, guidelines for the maximum fees payable by a claimant for any legal services rendered by an attorney in connection with the provisions of this chapter, which fees shall be approved in accordance with the standards established by the [chairman] chairperson pursuant to subparagraph (A) of this subdivision;

(12) Approve applications for employer-sponsored medical care

Substitute House Bill No. 5250

plans, based on standards developed in consultation with a medical advisory panel as provided in section 31-279, as amended by this act;

(13) Establish procedures for the hiring, dismissing or otherwise disciplining and promoting employees of the commission, subject where appropriate to the provisions of chapter 67;

(14) Control the hearing calendars of the administrative law judges, and if necessary, preside over informal hearings in regard to compensation under the provisions of this chapter in order to facilitate the timely and efficient processing of cases;

(15) Enter into contracts with consultants and such other persons as necessary for the proper functioning of the commission;

(16) Direct and supervise all administrative affairs of the commission;

(17) Keep and maintain a record of all advisory board proceedings;

(18) Assign and reassign a district manager and other staff to each of the commission's district offices;

(19) Collect and analyze statistical data concerning the administration of the Workers' Compensation Commission;

(20) Direct and supervise the implementation of a uniform case filing and processing system in each of the district offices that will include, but not be limited to, the ability to provide data on the number of cases having multiple hearings, the number of postponed hearings and hearing schedules for each district office;

(21) Establish staff development, training and education programs designed to improve the quality of service provided by the commission, including, but not limited to, a program to train district office staff in the screening of hearing requests;

Substitute House Bill No. 5250

(22) Develop standard forms for requesting hearings and standard policies regarding limits on the number of informal hearings that will be allowed under this chapter, and limits on the number of postponements that will be permitted before a formal hearing is held pursuant to section 31-297;

(23) Develop guidelines for expediting disputed cases;

(24) Establish an ongoing training program, in consultation with the advisory board, designed to assist the administrative law judges in the fulfillment of their duties pursuant to the provisions of section 31-278, as amended by this act, which program shall include instruction in the following areas: Discovery, evidence, statutory interpretation, medical terminology, legal decision writing and the purpose and procedures of informal and formal hearings;

(25) Evaluate, in conjunction with the advisory board, the performance of each administrative law judge biannually and, notwithstanding the provisions of subsection (b) of section 1-210 and chapter 55, make the performance evaluation of any administrative law judge available only to the Governor, the members of the joint standing committee on the judiciary and the respective administrative law judge prior to any public hearing on the reappointment of any such administrative law judge. Any information disclosed to such persons shall be used by such persons only for the purpose for which it was given and shall not be disclosed to any other person;

(26) (A) In consultation with insurers and practitioners, establish not later than October 1, 1993, and publish annually thereafter, practitioner billing guidelines for employers, workers' compensation insurance carriers and practitioners approved by the [chairman] chairperson pursuant to subdivision (10) of this subsection. The guidelines shall include procedures for the resolution of billing disputes and shall prohibit a practitioner from billing or soliciting payments from a

Substitute House Bill No. 5250

claimant for services rendered to the claimant under the provisions of this chapter (i) during a payment dispute between the practitioner and the employer or its workers' compensation insurance carrier, or (ii) in excess of the maximum fees established pursuant to subparagraph (B) of subdivision (11) of this subsection;

(B) In consultation with practitioners and insurers, develop not later than July 1, 1994, practice protocols for reasonable and appropriate treatment of a claimant under the provisions of this chapter, based on the diagnosis of injury or illness. The commission shall annually publish the practice protocols for use by approved practitioners, employers, workers' compensation insurance carriers and administrative law judges in evaluating the necessity and appropriateness of care provided to a claimant under the provisions of this chapter;

(C) In consultation with practitioners and insurers, develop not later than July 1, 1994, utilization review procedures for reasonable and appropriate treatment of a claimant under the provisions of this chapter. The [chairman] chairperson shall annually publish the procedures for use by approved practitioners, employers, workers' compensation insurance carriers and administrative law judges in evaluating the necessity and appropriateness of care provided to a claimant under the provisions of this chapter.

(c) The [chairman] chairperson, as soon as practicable after April first of each year, shall submit to the Comptroller an estimated budget of expenditures which shall include all direct and indirect costs incurred by the Workers' Compensation Commission for the succeeding fiscal year commencing on July first next. The Workers' Compensation Commission, for the purposes of administration, shall not expend more than the amounts specified in such estimated budget for each item of expenditure except as authorized by the Comptroller. The [chairman] chairperson shall include in his annual report to the Governor a statement showing the expenses of administering the Workers'

Substitute House Bill No. 5250

Compensation Act for the preceding fiscal year.

(d) The [chairman] chairperson and the Comptroller, as soon as practicable after August first in each year, shall ascertain the total amount of expenses incurred by the commission, including, in addition to the direct cost of personnel services, the cost of maintenance and operation, rentals for space occupied in state leased offices and all other direct and indirect costs, incurred by the commission and the expenses incurred by the Department of Aging and Disability Services in providing rehabilitation services for employees suffering compensable injuries in accordance with the provisions of section 31-283a, during the preceding fiscal year in connection with the administration of the Workers' Compensation Act and the total noncontributory payments required to be made to the Treasurer towards administrative law judges' retirement salaries as provided in sections 51-49, 51-50, 51-50a and 51-50b. An itemized statement of the expenses as so ascertained shall be available for public inspection in the office of the [chairman] chairperson of the Workers' Compensation Commission for thirty days after notice to all insurance carriers, and to all employers permitted to pay compensation directly affected thereby.

Sec. 10. Subsections (a) to (c), inclusive, of section 31-280a of the 2022 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall be an Advisory Board of the Workers' Compensation Commission to advise the [chairman] chairperson on matters concerning policy for and the operation of the commission. The advisory board shall consist of eight members, who shall be appointed by the Governor, with the advice and consent of the General Assembly. Four of such members shall represent employees and four shall represent employers. One of such members representing employees shall be an individual who has suffered an extensive disability arising out of and in the course of his employment. One of such members

Substitute House Bill No. 5250

representing employers shall be a representative of a major general hospital in the state. On or before January 1, 1992, the Governor shall appoint, and the General Assembly shall confirm, such members of the advisory board as follows: Two shall serve a term of four years from said date, one of whom shall represent employees and one of whom shall represent employers; two shall serve a term of three years from said date, one of whom shall represent employees and one of whom shall represent employers; two shall serve a term of two years from said date, one of whom shall represent employees and one of whom shall represent employers; and two shall serve a term of one year from said date, one of whom shall represent employees and one of whom shall represent employers. Thereafter such members shall be appointed for a term of four years from January first in the year of their appointment. Any vacancy on the advisory board shall be filled for the remainder of the term in the same manner as the original appointment. The [chairman] chairperson of the Workers' Compensation Commission shall serve as an ex-officio member of the advisory board without the power to vote.

(b) The appointed members of the advisory board shall select a ninth member who shall be impartial and shall serve as the [chairman] chairperson of the advisory board. The members of the advisory board shall serve without compensation. Each member shall be reimbursed for expenses necessarily incurred by the member in the performance of his duties. The advisory board shall not be construed to be a board or commission subject to the provisions of section 4-9a. The Workers' Compensation Commission shall provide such staff as is necessary for the performance of the functions and duties of the advisory board.

(c) The advisory board shall meet at least once in each calendar quarter and at such other times as the [chairman] chairperson or the [chairman] chairperson of the Workers' Compensation Commission deem necessary. All actions of the advisory board shall require the

Substitute House Bill No. 5250

affirmative vote of six members of the advisory board. The advisory board may bring any matter related to the operation of the workers' compensation system to the attention of the [chairman] chairperson of the Workers' Compensation Commission. The advisory board may adopt any rules of procedure that the board deems necessary to carry out its duties under this chapter.

Sec. 11. Subsection (a) of section 31-280b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall be a Compensation Review Board within the Workers' Compensation Commission. The [chairman] chairperson of the Workers' Compensation Commission shall serve as chief of the Compensation Review Board and shall have responsibility for the operation of the board. On or before January 1, 1992, the [chairman] chairperson shall appoint a chief clerk of the Compensation Review Board under the provisions of chapter 67 who shall be responsible to the [chairman] chairperson for the efficient operation of the board.

Sec. 12. Section 31-283g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The Workers' Compensation Commission shall provide, in convenient locations throughout the state, education services to employees concerning the prevention of occupational diseases and injuries, training for nonmanagement employees in workers' compensation procedures and substantive rights, information to employers concerning known and suspected workplace hazards and training and information for medical professionals in workers' compensation procedures, standards and requirements. The [chairman] chairperson shall be provided with sufficient staff to assist him in the performance of his duties. The [chairman] chairperson of the Workers' Compensation Commission may adopt regulations, in accordance with

Substitute House Bill No. 5250

the provisions of chapter 54, to implement the provisions of this section.

Sec. 13. Subsections (b) and (c) of section 31-284 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Each employer who does not furnish to the [chairman] chairperson of the Workers' Compensation Commission satisfactory proof of his solvency and financial ability to pay directly to injured employees or other beneficiaries compensation provided by this chapter shall insure his full liability under this chapter, other than his liability for assessments pursuant to sections 31-345, as amended by this act, and 31-354 in one of the following ways: (1) By filing with the Insurance Commissioner in form acceptable to him security guaranteeing the performance of the obligations of this chapter by the employer; or (2) by insuring his full liability under this part, exclusive of any liability resulting from the terms of section 31-284b, in any stock or mutual companies or associations that are or may be authorized to take such risks in this state; or (3) by any combination of the methods provided in subdivisions (1) and (2) of this subsection as he may choose, subject to the approval of the Insurance Commissioner. If the employer fails to comply with the requirements of this subsection, an employee may bring an action against such employer for damages on account of personal injury sustained by such employee arising out of and in the course of his employment or on account of death resulting from personal injury so sustained, except that there shall be no liability under this section to an individual on the part of the employer if such individual held himself out to the employer as an independent contractor and the employer, in good faith, relied on that representation as well as other indicia of such status and classified such individual as an independent contractor. In case of an alleged noncompliance with the provisions of this subsection, a certificate of noncompliance under oath, by the [chairman] chairperson of the Workers' Compensation

Substitute House Bill No. 5250

Commission, shall constitute prima facie evidence of noncompliance.

(c) Each employer who does not furnish to the [chairman] chairperson of the Workers' Compensation Commission satisfactory proof of his solvency and financial ability to pay directly to the State Treasurer the assessments required in sections 31-345, as amended by this act, and 31-354 shall insure his full liability for the assessments in one of the following ways: (1) By filing with the Insurance Commissioner in form acceptable to him security guaranteeing the payment of the assessments by the employer; (2) by insuring his full liability for the assessments in any stock or mutual companies or associations that are or may be authorized to take such risks in this state; or (3) by any combination of the methods provided in subdivisions (1) and (2) of this subsection as he may choose, subject to the approval of the Insurance Commissioner. The payment of the assessments required under sections 31-345, as amended by this act, and 31-354 is a condition of doing business in this state and failure to pay the assessments, when due, shall result in the denial of the privilege of doing business in this state or to self-insure under subsections (b) and (c) of this section. If the liability for the assessments is insured, the insurance shall be by endorsement to a policy meeting all of the requirements of the Insurance Commissioner, or by a separate policy insuring the liability for the assessments, and otherwise meeting all of the requirements of the Insurance Commissioner. In the case of any employer who files acceptable security guaranteeing the liability for the assessments, failure to pay the assessments, when due, shall result in the denial of the privilege to self-insure under subsections (b) and (c) of this section.

Sec. 14. Subsection (e) of section 31-288 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) The [chairman] chairperson of the Workers' Compensation Commission shall notify the State Treasurer and the Attorney General

Substitute House Bill No. 5250

of the imposition of any penalty, the date it was imposed, the amount and whether there has been an appeal of said penalty. Any civil penalty order issued pursuant to subsection (c) or (d) of this section shall state that payment shall be made to the Second Injury Fund of the State Treasurer, and that failure to pay within ninety days may result in civil action to double the penalty. The State Treasurer shall collect any penalty owed, and if the penalty is not paid within ninety days, the State Treasurer shall notify the [chairman] chairperson of the Workers' Compensation Commission and the Attorney General so that civil action may be brought pursuant to section 31-289. Any appeal of a penalty assessed pursuant to the provisions of subsections (c) and (d) of this section shall be taken in accordance with the provisions of section 31-301, as amended by this act. The [chairman] chairperson shall adopt regulations for the administrative law judges to use in setting fines which shall require the administrative law judges to take into account the nature of the employer's business and his number of employees.

Sec. 15. Section 31-289a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) If any civil penalty imposed pursuant to any provision of this chapter is not paid within ninety days of its imposition by an administrative law judge, or within ninety days of the final disposition of an appeal, as the case may be, the [chairman] chairperson of the Workers' Compensation Commission shall immediately notify the Attorney General of such failure to pay. Upon such notification, the Attorney General may bring a civil action in the name of the state of Connecticut in the superior court for the judicial district where the administrative law judge imposed the civil penalty, to recover double the amount of the civil penalty together with reasonable attorney's fees and costs as taxed by the court. Any recovery under this section shall be disbursed in the same manner as recoveries pursuant to section 31-355, as amended by this act.

Substitute House Bill No. 5250

(b) An affidavit sworn to or affirmed by the [chairman] chairperson of the Workers' Compensation Commission, or by the administrative law judge who imposed the civil penalty referred to in the affidavit, stating the name of the administrative law judge who imposed the civil penalty, the amount of the civil penalty, the name of the violator against whom the civil penalty was imposed, whether or not an appeal was taken, the disposition of the appeal and whether or not the penalty was paid, shall constitute prima facie proof of the facts contained in the affidavit. Copies of the records of the Workers' Compensation Commission, or of any administrative law judge, certified by said [chairman] chairperson or by the administrative law judge having custody of the records, containing the name of the administrative law judge who imposed a civil penalty, the amount of the civil penalty, the name of the violator against whom the civil penalty was imposed, whether or not an appeal was taken, the disposition of the appeal and whether or not the penalty was paid, shall constitute prima facie proof of the facts contained in the records.

(c) Civil actions pursuant to this section shall be privileged in their assignment for trial.

Sec. 16. Subsection (b) of section 31-290a of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Any employee who is so discharged, disciplined or discriminated against or who has been deliberately misinformed or deliberately dissuaded from filing a claim for workers' compensation benefits or a claim for payment of benefits from the Connecticut Essential Workers COVID-19 Assistance Fund may either: (1) Bring a civil action in the superior court for the judicial district where the employer has its principal office for the reinstatement of his previous job, payment of back wages and reestablishment of employee benefits to which he would have otherwise been entitled if he had not been discriminated

Substitute House Bill No. 5250

against or discharged and any other damages caused by such discrimination or discharge. The court may also award punitive damages. Any employee who prevails in such a civil action shall be awarded reasonable attorney's fees and costs to be taxed by the court; or (2) file a complaint with the [chairman] chairperson of the Workers' Compensation Commission alleging violation of the provisions of subsection (a) of this section. Upon receipt of any such complaint, the [chairman] chairperson shall select an administrative law judge to hear the complaint, provided any administrative law judge who has previously rendered any decision concerning the claim shall be excluded. The hearing shall be held in the workers' compensation district where the employer has its principal office. After the hearing, the administrative law judge shall send each party a written copy of his decision. The administrative law judge may award the employee the reinstatement of his previous job, payment of back wages and reestablishment of employee benefits to which he otherwise would have been eligible if he had not been discriminated against or discharged. Any employee who prevails in such a complaint shall be awarded reasonable attorney's fees. Any party aggrieved by the decision of the administrative law judge may appeal the decision to the Appellate Court.

Sec. 17. Subsections (a) and (b) of section 31-290d of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall be a workers' compensation fraud unit within the office of the Chief State's Attorney in the Division of Criminal Justice. The unit, under the supervision of the Chief State's Attorney, may, upon receipt of a complaint, at the request of the [chairman] chairperson of the Workers' Compensation Commission or on its own initiative, investigate cases of alleged fraud involving any claim for benefits, any receipt or payment of benefits, or the insurance or self-insurance of

Substitute House Bill No. 5250

liability under sections 31-275 to 31-355a, inclusive, as amended by this act. Upon conclusion of the investigation, the Chief State's Attorney shall take appropriate action to enforce the laws of this state.

(b) The workers' compensation fraud unit shall submit a quarterly report detailing its activities to the [chairman] chairperson and the Advisory Board of the Workers' Compensation Commission and to the Insurance Commissioner.

Sec. 18. Section 31-294d of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) The employer, as soon as the employer has knowledge of an injury, shall provide a competent physician, surgeon, physician assistant or advanced practice registered nurse to attend the injured employee and, in addition, shall furnish any medical and surgical aid or hospital and nursing service, including medical rehabilitation services and prescription drugs, as the physician, surgeon, physician assistant or advanced practice registered nurse deems reasonable or necessary. The employer, any insurer acting on behalf of the employer, or any other entity acting on behalf of the employer or insurer shall be responsible for paying the cost of such prescription drugs directly to the provider. If the employer utilizes an approved providers list, when an employee reports a work-related injury or condition to the employer the employer shall provide the employee with such approved providers list within two business days of such reporting.

(2) If the injured employee is a local or state police officer, state marshal, judicial marshal, correction officer, emergency medical technician, paramedic, ambulance driver, firefighter, or active member of a volunteer fire company or fire department engaged in volunteer duties, who has been exposed in the line of duty to blood or bodily fluids that may carry blood-borne disease, the medical and surgical aid or

Substitute House Bill No. 5250

hospital and nursing service provided by the employer shall include any relevant diagnostic and prophylactic procedure for and treatment of any blood-borne disease.

(b) The employee shall select the physician, surgeon, physician assistant or advanced practice registered nurse from an approved list of physicians, surgeons, physician assistants and advanced practice registered nurses prepared by the [chairman] chairperson of the Workers' Compensation Commission. If the employee is unable to make the selection, the employer shall do so, subject to ratification by the employee or his next of kin. If the employer has a full-time staff physician, physician assistant or advanced practice registered nurse or if a physician, physician assistant or advanced practice registered nurse is available on call, the initial treatment required immediately following the injury may be rendered by that physician, physician assistant or advanced practice registered nurse, but the employee may thereafter select his own physician, physician assistant or advanced practice registered nurse as provided by this chapter for any further treatment without prior approval of the administrative law judge.

(c) The administrative law judge may, without hearing, at the request of the employer or the injured employee, when good reason exists, or on his own motion, authorize or direct a change of physician, surgeon, physician assistant or advanced practice registered nurse or hospital or nursing service provided pursuant to subsection (a) of this section.

(d) (1) The pecuniary liability of the employer for the medical and surgical service required by this section shall be limited to the charges that prevail in the same community or similar communities for similar treatment of injured persons of a like standard of living when the similar treatment is paid for by the injured person. Notwithstanding the provisions of chapter 368z, prior to the date the liability of the employer is established pursuant to subdivision (2) of this subsection, the liability of the employer for hospital service shall be determined exclusively by

Substitute House Bill No. 5250

the provisions of this subdivision and shall remain the amount it actually costs the hospital to render the service, as determined by the administrative law judge, except in the case of state humane institutions, the liability of the employer shall be the per capita cost as determined by the Comptroller under the provisions of section 17b-223. All disputes concerning liability for hospital services in workers' compensation cases shall be filed not later than one year from the date the initial payment for services was remitted, regardless of the date such services were provided, unless any applicable law, rule or regulation establishes a shorter time frame, and shall be settled by the administrative law judge in accordance with this chapter.

(2) Commencing ninety days after the formulas established by the [chairman] chairperson of the Workers' Compensation Commission have been published pursuant to subsection (e) of this section, unless the employer and hospital or ambulatory surgical center have otherwise negotiated to determine the liability of the employer for hospital or ambulatory surgical center services required by this section, the liability of the employer for hospital or ambulatory surgical center services shall be: (A) If such services are covered by Medicare, limited to the reimbursements listed in such formulas published pursuant to subsection (e) of this section, or (B) if such services are not covered by Medicare, determined by the [chairman] chairperson, in consultation with employers and their insurance carriers, self-insured employers, hospitals, ambulatory surgical centers, third-party reimbursement organizations and other entities as deemed necessary by the Workers' Compensation Commission.

(e) Not later than January 1, 2015, the [chairman] chairperson of the Workers' Compensation Commission shall, in consultation with employers and their insurance carriers, self-insured employers, hospitals, ambulatory surgical centers, third-party reimbursement organizations and other entities as deemed necessary by the Workers'

Substitute House Bill No. 5250

Compensation Commission, establish and publish Medicare-based formulas, when available, to set the liability of employers for hospital and ambulatory surgical center services required by this section that are covered by Medicare. After the initial publication of such formulas, the [chairman] chairperson shall publish such formulas on each January first thereafter.

(f) If the employer fails to promptly provide a physician, surgeon, physician assistant or advanced practice registered nurse or any medical and surgical aid or hospital and nursing service as required by this section, the injured employee may obtain a physician, surgeon, physician assistant or advanced practice registered nurse, selected from the approved list prepared by the [chairman] chairperson, or such medical and surgical aid or hospital and nursing service at the expense of the employer.

Sec. 19. Subsection (a) of section 31-294f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) An injured employee shall submit himself to examination by a reputable practicing physician or surgeon, at any time while claiming or receiving compensation, upon the reasonable request of the employer or at the direction of the administrative law judge. The examination shall be performed to determine the nature of the injury and the incapacity resulting from the injury. The physician or surgeon shall be selected by the employer from an approved list of physicians and surgeons prepared by the [chairman] chairperson of the Workers' Compensation Commission and shall be paid by the employer. At any examination requested by the employer or directed by the administrative law judge under this section, the injured employee shall be allowed to have in attendance any reputable practicing physician or surgeon that the employee obtains and pays for himself. The employee shall submit to all other physical examinations as required by this

Substitute House Bill No. 5250

chapter. The refusal of an injured employee to submit himself to a reasonable examination under this section shall suspend his right to compensation during such refusal.

Sec. 20. Subsection (c) of section 31-295 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) If the employee is entitled to receive compensation for permanent disability to an injured member in accordance with the provisions of subsection (b) of section 31-308, the compensation shall be paid to him beginning not later than thirty days following the date of the maximum improvement of the member or members and, if the compensation payments are not so paid, the employer shall, in addition to the compensation rate, pay interest at the rate of ten per cent per annum on such sum or sums from the date of maximum improvement. The employer shall ascertain at least monthly whether employees are entitled to compensation because of a loss of wages as a result of the injury and, if there is a loss of wages, shall pay the compensation. The [chairman] chairperson of the Workers' Compensation Commission shall adopt regulations, in accordance with the provisions of chapter 54, for the purpose of assuring prompt payment by the employer or his insurance carrier.

Sec. 21. Section 31-297a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

In any informal hearing held by the administrative law judge or [chairman] chairperson of the Workers' Compensation Commission in regard to compensation under the provisions of this chapter, any recommendations made by the administrative law judge or [chairman] chairperson at the informal hearing shall be reduced to writing and, if the parties accept such recommendations, the recommendations shall be as binding upon both parties as an award by the administrative law

Substitute House Bill No. 5250

judge or [chairman] chairperson. The administrative law judge or [chairman] chairperson shall not postpone any such informal hearing if one party fails to attend unless both parties agree to the postponement.

Sec. 22. Subsection (e) of section 31-301 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) When an appeal is taken to the Compensation Review Board, the chief clerk thereof shall notify the administrative law judge from whose award the appeal was taken, in writing, of any action of the Compensation Review Board thereon and of the final disposition of the appeal, whether by judgment, withdrawal or otherwise, and shall upon the decision of the appeal, furnish the administrative law judge with a copy of the decision. Whenever any appeal is pending, if it appears to the Compensation Review Board that justice so requires, the Compensation Review Board shall order a certified copy of the evidence for the use of the employer, the employee or both, and the certified copy shall be made a part of the record on the appeal. The procedure in appealing from an award of the administrative law judge shall be the same as the procedure employed in an appeal from the Superior Court to the Supreme Court, where applicable. The [chairman] chairperson of the Workers' Compensation Commission shall adopt regulations, in accordance with the provisions of chapter 54, to establish rules, methods of procedure and forms as the [chairman] chairperson deems expedient for the purposes of this chapter.

Sec. 23. Subsection (b) of section 31-306b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Not later than October 1, 1998, the [chairman] chairperson of the Workers' Compensation Commission shall develop a standard form that may be used by employers and insurers to provide the notice

Substitute House Bill No. 5250

required under subsection (a) of this section.

Sec. 24. Subsection (b) of section 31-310 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Each August fifteenth, the [chairman] chairperson of the Workers' Compensation Commission, in consultation with the advisory board, shall publish tables of the average weekly wage and seventy-five per cent of the average weekly wage after being reduced by any deduction for federal or state taxes, or both, and for the federal Insurance Contributions Act, to be effective the following October first, except that not later than June thirtieth, the [chairman] chairperson, in consultation with the advisory board, shall publish tables of the average weekly wage and seventy-five per cent of the average weekly wage after being reduced by any deduction for federal or state taxes, or both, and for the federal Insurance Contributions Act, to be effective during the period July 1, 1993, to October 1, 1993. Such tables shall be conclusive for the purpose of determining seventy-five per cent of the average weekly earnings of an injured employee after such earnings have been reduced by any deduction for federal or state taxes, or both, and for the federal Insurance Contributions Act made from such employee's total wages received during the period of calculation of the employee's average weekly wage for purposes of sections 31-306, 31-307 and 31-308.

Sec. 25. Subsection (a) of section 31-316 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each employer shall keep a record of the injuries sustained by his employees in the course of their employment that result in incapacity for one day or more. Each employer shall send to the [chairman] chairperson of the Workers' Compensation Commission, in duplicate, each week, or more often if so directed, a report of all injuries that the

Substitute House Bill No. 5250

rules prescribed by the [chairman] chairperson determine, including the time of each injury, together with notices of claims for compensation that have been served upon the employer under section 31-294c, as amended by this act, within one week of the receipt of the notices of claims. The employer shall inform the [chairman] chairperson as to the extent to which he provides accident and health insurance and life insurance coverage for his employees, and his payment or contribution requirements for any employee welfare plan, as defined in section 31-284b. No other report of injuries to employees shall be required by any department or office of the state from employers. The duplicates of the reports shall be immediately transmitted to the Labor Commissioner.

Sec. 26. Section 31-326 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Whenever the [chairman] chairperson of the Workers' Compensation Commission finds that any insurance company or association insuring the liability of an employer under the provisions of this chapter is conducting such business improperly or is dilatory in investigating and adjusting claims or making payments, or fails to comply with the provisions of this chapter or the rules, methods or procedure and forms adopted by the [chairman] chairperson, the [chairman] chairperson shall notify the Insurance Commissioner, in writing, setting forth the facts, and thereupon the Insurance Commissioner shall fix a time and place for a hearing thereon, giving reasonable notice to the [chairman] chairperson and to such company or association of such hearing, and, if he finds the allegations to be true, he shall either suspend for a time or revoke the license of such company or association to transact such business in this state. Whenever an administrative law judge has reason to believe that any employer who has furnished proof of his financial ability or filed with the Insurance Commissioner security for the performance of the obligations of this chapter in accordance with section 31-284, as amended by this act, is dilatory in investigating or adjusting

Substitute House Bill No. 5250

claims or in making payments, or fails to comply with the provisions of this chapter or the rules, methods of procedure and forms adopted by the [chairman] chairperson, he may notify the Insurance Commissioner, in writing, setting forth the facts, and thereupon the Insurance Commissioner shall fix the time and place for a hearing thereon, giving reasonable notice to the administrative law judge and to such employer, and, if he finds the allegations to be true, then, after ten days from the notice of such findings to such employer, the compliance of such employer with the terms of section 31-284, as amended by this act, shall be, as to any future injuries, null and void.

Sec. 27. Subsection (b) of section 31-345 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) When, after the close of a fiscal year ending prior to July 1, 1990, the [chairman] chairperson of the Workers' Compensation Commission and the Comptroller have determined the total amount of expenses of the Workers' Compensation Commission in accordance with the provisions of subsection (d) of section 31-280, as amended by this act, the Treasurer shall thereupon assess upon and collect from each employer, other than the state and any municipality participating for purposes of its liability under this chapter as a member in an interlocal risk management agency pursuant to chapter 113a, the proportion of such expenses that the total compensation and payment for hospital, medical and nursing care made by such self-insured employer or private insurance carrier acting on behalf of any such employer bore to the total compensation and payments for hospital, medical and nursing care made by all such insurance carriers and self-insurers. The amount so secured shall be used to reimburse the Treasurer for appropriations theretofore made by the state for the payment in the first instance of the expenses of administering this chapter. On and after July 1, 1986, the Treasurer shall, as soon as possible after the close of a fiscal year ending

Substitute House Bill No. 5250

prior to July 1, 1990, estimate the pro rata cost to each employer based upon the costs assessed to such employer in the immediately preceding fiscal year and shall assess upon and collect from each such employer such estimated costs annually which shall be payable as provided in subsection (a) of this section except each annual assessment shall include an amount which represents the difference between the payments collected and the actual costs assessed to such employer for the immediately preceding fiscal year. The Treasurer is authorized to make credits or rebates for overpayments made under this subsection by any employer for any fiscal year.

(2) The [chairman] chairperson of the Workers' Compensation Commission shall annually, on or after July first of each fiscal year, determine an amount sufficient in the [chairman's] chairperson's judgment to meet the expenses incurred by the Workers' Compensation Commission and the Department of Aging and Disability Services in providing rehabilitation services for employees suffering compensable injuries in accordance with section 31-283a. Such expenses shall include (A) the costs of the Division of Workers' Rehabilitation and the programs established by its director, for fiscal years prior to the fiscal year beginning July 1, 2011, (B) the costs of the Division of Worker Education and the programs established by its director, and (C) funding for the occupational health clinic program created pursuant to sections 31-396 to 31-402, inclusive. The Treasurer shall thereupon assess upon and collect from each employer, other than the state and any municipality participating for purposes of its liability under this chapter as a member in an interlocal risk management agency pursuant to chapter 113a, the proportion of such expenses, based on the immediately preceding fiscal year, that the total compensation and payment for hospital, medical and nursing care made by such self-insured employer or private insurance carrier acting on behalf of any such employer bore to the total compensation and payments for the immediately preceding fiscal year for hospital, medical and nursing care

Substitute House Bill No. 5250

made by such insurance carriers and self-insurers. For the fiscal years ending June 30, 2000, and June 30, 2001, such assessments shall not exceed five per cent of such total compensation and payments made by such insurance carriers and self-insurers. For the fiscal years ending June 30, 2002, and June 30, 2003, such assessments shall not exceed four and one-half per cent of such total compensation and payments made by such insurance carriers and self-insurers. For any fiscal year ending on or after June 30, 2004, such assessment shall not exceed four per cent of such total compensation and payments made by such insurance carriers and self-insurers. Such assessments and expenses shall not exceed the budget estimates submitted in accordance with subsection (c) of section 31-280, as amended by this act. For each fiscal year, such assessment shall be reduced pro rata by the amount of any surplus from the assessments of prior fiscal years. Said surplus shall be determined in accordance with subdivision (3) of this subsection. Such assessments shall be made in one annual assessment upon receipt of the [chairman's] chairperson's expense determination by the Treasurer. All assessments shall be paid not later than sixty days following the date of the assessment by the Treasurer. Any employer who fails to pay such assessment to the Treasurer within the time prescribed by this subdivision shall pay interest to the Treasurer on the assessment at the rate of eight per cent per annum from the date the assessment is due until the date of payment. All assessments received by the Treasurer pursuant to this subdivision to meet the expenses of the Workers' Compensation Commission shall be deposited in the Workers' Compensation Administration Fund established under section 31-344a. All assessments received by the Treasurer pursuant to this subdivision to meet the expenses incurred by the Department of Aging and Disability Services in providing rehabilitation services for employees suffering compensable injuries in accordance with section 31-283a shall be deposited in the Workers' Compensation Administration Fund. The Treasurer is hereby authorized to make credits or rebates for overpayments made under this subsection by any employer for any

Substitute House Bill No. 5250

fiscal year.

(3) As soon as practicable after the close of the state fiscal year, the Comptroller shall examine the Workers' Compensation Administration Fund and shall direct the State Treasurer to set aside within said fund amounts in excess of fifty per cent of the expenditures of the Workers' Compensation Commission for the most recently completed fiscal year, which shall be considered a surplus for purposes of subdivision (2) of subsection (b) of this section.

Sec. 28. Section 31-348 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Every insurance company writing compensation insurance or its duly appointed agent shall report in writing or by other means to the [chairman] chairperson of the Workers' Compensation Commission, in accordance with rules prescribed by the [chairman] chairperson, the name of the person or corporation insured, including the state, the day on which the policy becomes effective and the date of its expiration, which report shall be made within fifteen days from the date of the policy. The cancellation of any policy so written and reported shall not become effective until fifteen days after notice of such cancellation has been filed with the [chairman] chairperson. Any insurance company violating any provision of this section shall be fined not less than one hundred nor more than one thousand dollars for each offense.

Sec. 29. Section 31-349c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The custodian of the Second Injury Fund and an insurer or self-insured employer seeking to transfer a claim to the fund shall submit all controverted issues regarding the existence of a previous disability under section 31-349 to the [chairman] chairperson of the Workers' Compensation Commission. The [chairman] chairperson shall appoint

Substitute House Bill No. 5250

a panel of three physicians, as defined in subdivision (17) of section 31-275, and submit such dispute to the panel, along with whatever evidence and materials he deems necessary for consideration in the matter. The panel may examine the claimant, who shall submit to any examination such panel may require. Within sixty days of receiving the submission, the panel shall file its opinion, in writing, with the [chairman] chairperson, who shall forward it, along with any records generated by the panel's work on the case, to the administrative law judge having jurisdiction over the claim in which the dispute arose. The panel's opinion shall be determined by a majority vote of the three members. Such opinion shall be binding on all parties to the claim and may not be appealed to the Compensation Review Board pursuant to section 31-301, as amended by this act.

(b) The [chairman] chairperson of the Workers' Compensation Commission shall adopt regulations in accordance with the provisions of chapter 54 to establish a fee schedule for payment of medical panel members. Any fees paid pursuant to the provisions of this section shall be paid by the self-insured employer or insurer seeking fund reimbursement.

Sec. 30. Subdivision (2) of subsection (a) of section 31-349g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(2) "Self-insured employer" means an employer who is approved to self-insure its liabilities under this chapter by the [chairman] chairperson of the Workers' Compensation Commission. For the period commencing October 1, 2004, and ending December 31, 2004, "self-insured employer" includes an employer mutual association organized prior to June 6, 1996, with a membership composed exclusively of health care providers and whose premium base is derived entirely from health care organizations.

Substitute House Bill No. 5250

Sec. 31. Subsection (b) of section 31-355 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) When an award of compensation has been made under the provisions of this chapter against an employer who failed, neglected, refused or is unable to pay any type of benefit coming due as a consequence of such award or any adjustment in compensation required by this chapter, and whose insurer failed, neglected, refused or is unable to pay the compensation, such compensation shall be paid from the Second Injury Fund. The administrative law judge, on a finding of failure or inability to pay compensation, shall give notice to the Treasurer of the award, directing the Treasurer to make payment from the fund. Whenever liability to pay compensation is contested by the Treasurer, the Treasurer shall file with the administrative law judge, on or before the twenty-eighth day after the Treasurer has received an order of payment from the administrative law judge, a notice in accordance with a form prescribed by the [chairman] chairperson of the Workers' Compensation Commission stating that the right to compensation is contested, the name of the claimant, the name of the employer, the date of the alleged injury or death and the specific grounds on which the right to compensation is contested. A copy of the notice shall be sent to the employee. The administrative law judge shall hold a hearing on such contested liability at the request of the Treasurer or the employee in accordance with the provisions of this chapter. If the Treasurer fails to file the notice contesting liability within the time prescribed in this section, the Treasurer shall be conclusively presumed to have accepted the compensability of such alleged injury or death from the Second Injury Fund and shall have no right thereafter to contest the employee's right to receive compensation on any grounds or contest the extent of the employee's disability.

Approved May 24, 2022