
OLR Bill Analysis

HB 6550

AN ACT REQUIRING NOTICE OF DISCONTINUANCE OF PRESCRIPTION MEDICATION UNDER A WORKERS' COMPENSATION CLAIM.

SUMMARY

This bill requires an employer, or entities working on its behalf, to give notice to an employee and the Workers' Compensation Commission (WCC) before discontinuing payments for prescription medications the employee receives under workers' compensation. The bill sets requirements on how the notice must be made, gives the employee a right to a hearing on the matter, and requires that payments will not be discontinued or reduced before the administrative judge approves in writing. (The bill's provisions requiring this approval appear to conflict with another part of the bill that states the notice must say the discontinuance or reduction will take place automatically if the employee does not request a hearing.)

The bill also provides for a penalty if payments are discontinued or reduced without approval.

EFFECTIVE DATE: October 1, 2023

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 reasonable or necessary and the employer or the employer's insurance (or any representative acting on behalf of the employer or insurer) must pay for them.

Notice

The bill requires the employer, or any insurer or other entity acting on the employer's behalf, to give 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 receiving the notice, or the change in payments will automatically take effect. (The bill states a hearing can be requested only for a discontinuance of payments. Presumably, even though other parts of the bill address both a discontinuance or reduction of payments, employees are not entitled to a hearing when benefits are only being reduced, not discontinued.)

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 its nature; and
4. medical documentation of 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, which requires a heading stating, "IMPORTANT," followed by the notification that the employer or insurer intends to reduce or discontinue the person's prescription payments on a set date and the other required information 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, after receiving the notice, the employee has 15 days to request a hearing. The notice says the employee can call WCC to request an informal hearing. These requests for a hearing must have priority over requests for hearings on other matters.

An administrative law judge cannot approve a discontinuance or reduction prior to the expiration of the 15-day period for requesting a hearing or the completion of a hearing, whichever is later.

Penalty

Under the bill, when the administrative law judge finds the employer, an insurer acting on its behalf, or an entity acting on behalf of either the insurer or employer, has discontinued or reduced any payments for prescriptions without the judge's approval, they will be required to pay to the employee (1) the amount of all payments discontinued or reduced, plus interest at 1.25% per month or portion of a month on any discontinued or reduced payments and (2) reasonable attorney's fees incurred by the employee related to the discontinuance or reduction. (The bill potentially penalizes an entity acting on behalf of an insurer for notice requirements that the bill does not impose on these entities.)

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 10 Nay 1 (02/16/2023)