



House of Representatives

General Assembly

File No. 8

January Session, 2023

House Bill No. 6550

House of Representatives, March 6, 2023

The Committee on Labor and Public Employees reported through REP. SANCHEZ, E. of the 24th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

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

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

1 Section 1. Subsection (a) of section 31-294d of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2023*):

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

13 for paying the cost of such prescription drugs directly to the provider.
14 If the employer utilizes an approved providers list, when an employee
15 reports a work-related injury or condition to the employer the employer
16 shall provide the employee with such approved providers list within
17 two business days of such reporting.

18 (2) If an employer, any insurer acting on behalf of the employer or
19 any other entity acting on behalf of the employer proposes
20 discontinuing or reducing payment for any prescription drug, that a
21 physician, surgeon, physician assistant or advanced practice registered
22 nurse has deemed reasonable or necessary under this section, such
23 employer, insurer or other entity shall notify the administrative law
24 judge and the employee, by certified mail, of such proposed
25 discontinuance or reduction of such payments. Such notice shall:

26 (A) Specify the reason for the proposed discontinuance or reduction
27 and the date such proposed discontinuance or reduction will take effect;

28 (B) Identify the employee, the employee's attorney or other
29 representative, the employer, the insurer, and the injury, including the
30 date of the injury, the city or town in which the injury occurred and the
31 nature of the injury;

32 (C) Include any medical documentation that (i) establishes the basis
33 for the discontinuance or reduction of payments, and (ii) identifies the
34 employee's attending physician or advanced practice registered nurse;
35 and

36 (D) Be in substantially the following form:

37 "IMPORTANT

38 STATE OF CONNECTICUT WORKERS' COMPENSATION

39 COMMISSION

40 YOU ARE HEREBY NOTIFIED THAT THE EMPLOYER OR
41 INSURER INTENDS TO REDUCE OR DISCONTINUE YOUR
42 PRESCRIPTION PAYMENTS ON (date) FOR THE FOLLOWING

43 REASONS:

44 If you object to the discontinuance of prescription payments as stated
45 in this notice, YOU MUST REQUEST A HEARING NOT LATER THAN
46 15 DAYS after your receipt of this notice, or this notice will
47 automatically take effect.

48 To request an Informal Hearing, call the Workers' Compensation
49 Commission District Office in which your case is pending.

50 Be prepared to provide medical and other documentation to support
51 your objection. For your protection, note the date when you received
52 this notice."

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

59 (B) The administrative law judge shall not approve any such
60 proposed discontinuance or reduction prior to the expiration of the
61 period for requesting a hearing or the completion of such hearing,
62 whichever is later.

63 (4) If the administrative law judge finds that an employer, an insurer
64 acting on behalf of an employer or any other entity acting on behalf of
65 the employer or insurer discontinued or reduced any payments made
66 in accordance with this section without approval of an administrative
67 law judge, such employer, insurer or other entity shall pay interest to
68 the employee at a rate of one and one-quarter per cent per month, or
69 portion of a month, on any payments so discontinued or on the total
70 amount by which such payments were reduced, as the case may be, plus
71 reasonable attorney's fees incurred by the employee in relation to such
72 discontinuance or reduction.

73 [(2)] (5) If the injured employee is a local or state police officer, state

74 marshal, judicial marshal, correction officer, emergency medical
75 technician, paramedic, ambulance driver, firefighter, or active member
76 of a volunteer fire company or fire department engaged in volunteer
77 duties, who has been exposed in the line of duty to blood or bodily fluids
78 that may carry blood-borne disease, the medical and surgical aid or
79 hospital and nursing service provided by the employer shall include any
80 relevant diagnostic and prophylactic procedure for and treatment of any
81 blood-borne disease.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	31-294d(a)

LAB *Joint Favorable*

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

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

The bill makes procedural changes regarding employers obtaining approval and providing notice for discontinuing payments for employee prescriptions resulting in no fiscal impact to the state.

The Out Years**State Impact:** None**Municipal Impact:** None

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)