



# House of Representatives

General Assembly

**File No. 634**

January Session, 2023

Substitute House Bill No. 6797

*House of Representatives, April 17, 2023*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING PLANS FOR THE TREATMENT OF  
WORKPLACE INJURIES AND ILLNESSES AND ESTABLISHING  
WORKING GROUPS TO REVIEW ACCESS TO MEDICAL RECORDS  
AND PARTIAL DISABILITY PAYMENTS UNDER THE WORKERS'  
COMPENSATION ACT.***

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

1 Section 1. Subsection (d) of section 31-279 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2023*):

4 (d) Each plan established under subsection (c) of this section shall be  
5 submitted to the chairperson for [his] the chairperson's approval at least  
6 one hundred twenty days before the proposed effective date of the plan  
7 and each approved plan, along with any proposed changes therein, shall  
8 be resubmitted to the chairperson every two years thereafter for  
9 reapproval. The chairperson shall approve or disapprove such plans on  
10 the basis of standards established by the chairperson in consultation  
11 with a medical advisory panel appointed by the chairperson. Such  
12 standards shall include, but not be limited to: (1) The ability of the plan

13 to provide all medical and health care services that may be required  
14 under this chapter in a manner that is timely, effective and convenient  
15 for the employees; (2) the inclusion in the plan of all categories of  
16 medical service and of an adequate number of providers of each type of  
17 medical service in accessible locations to ensure that employees are  
18 given an adequate choice of providers; (3) the provision in the plan for  
19 appropriate financial incentives to reduce service costs and utilization  
20 without a reduction in the quality of service; (4) the inclusion in the plan  
21 of fee screening, peer review, service utilization review and dispute  
22 resolution procedures designed to prevent inappropriate or excessive  
23 treatment; [and] (5) the inclusion in the plan of a procedure by which  
24 information on medical and health care service costs and utilization will  
25 be reported to the chairperson in order for him to determine the  
26 effectiveness of the plan; and (6) the inclusion in the plan of an  
27 administrative process that permits an employee to seek, without  
28 limitation, a determination of the necessity or appropriateness of  
29 medical and health care services recommended by providers of a  
30 medical care plan and the payment for such appropriate, medically  
31 necessary health care services.

32 Sec. 2. (*Effective from passage*) (a) On or before August 15, 2023, the  
33 chairpersons of the joint standing committee of the General Assembly  
34 having cognizance of matters relating to the judiciary, or their  
35 designees, shall convene a working group to review provisions of the  
36 general statutes relating to medical records to develop legislative  
37 recommendations to (1) streamline medical record requests from third-  
38 party requestors to health care providers in order to obtain copies of  
39 medical records in a timely fashion, and (2) revise provisions of the  
40 general statutes to provide for the reasonable assessment of fees for  
41 expenses incurred when responding to requests for copies of medical  
42 records, including electronic medical records.

43 (b) The working group convened pursuant to subsection (a) of this  
44 section shall consist of:

45 (1) The chairpersons of the joint standing committee of the General

46 Assembly having cognizance of matters relating to the judiciary, or their  
47 designees;

48 (2) The ranking members of the joint standing committee of the  
49 General Assembly having cognizance of matters relating to the  
50 judiciary, or their designees;

51 (3) The chairpersons of the joint standing committee of the General  
52 Assembly having cognizance of matters relating to public health, or  
53 their designees;

54 (4) The ranking members of the joint standing committee of the  
55 General Assembly having cognizance of matters relating to public  
56 health, or their designees;

57 (5) The agency legal director for the Workers' Compensation  
58 Commission, or the director's designee; and

59 (6) The following persons, who shall be jointly appointed by the  
60 chairpersons of the joint standing committee of the General Assembly  
61 having cognizance of matters relating to the judiciary, or their  
62 designees:

63 (A) A representative of a national third-party medical records  
64 provider;

65 (B) A representative of a national association representing third-party  
66 medical records providers;

67 (C) An attorney who specializes in personal injury law;

68 (D) An attorney who specializes in workers' compensation law;

69 (E) A representative of a state-wide bar association representing  
70 attorneys;

71 (F) A representative of a state-wide association representing  
72 hospitals;

73 (G) A representative of a state-wide association representing  
74 physicians; and

75 (H) A representative of a state-wide association representing medical  
76 specialty providers.

77 (c) All appointments to the working group shall be made not later  
78 than thirty days after the effective date of this section.

79 (d) The chairpersons of the joint standing committee of the General  
80 Assembly having cognizance of matters relating to the judiciary, or their  
81 designees, shall serve as the chairpersons of the working group. The  
82 working group shall meet not less than monthly and at such other times  
83 as may be necessary upon the call of the chairpersons of the working  
84 group.

85 (e) Not later than February 1, 2024, the working group shall submit a  
86 report on its findings and legislative recommendations to the joint  
87 standing committees of the General Assembly having cognizance of  
88 matters relating to the judiciary and public health, in accordance with  
89 the provisions of section 11-4a of the general statutes. The working  
90 group shall terminate on the date that it submits such report or February  
91 1, 2024, whichever is later.

92 Sec. 3. (*Effective from passage*) (a) On or before August 15, 2023, the  
93 chairpersons of the joint standing committee of the General Assembly  
94 having cognizance of matters relating to the judiciary, or their  
95 designees, shall convene a working group to review the level of partial  
96 permanent disability payments available to injured employees under  
97 chapter 568 of the general statutes. Such review shall include an  
98 assessment of whether: (1) The provisions of the general statutes  
99 adequately protect all injured employees in the state, and (2) the  
100 provisions of the general statutes prescribing benefit levels should be  
101 revised.

102 (b) The working group convened pursuant to subsection (a) of this  
103 section shall consist of:

104 (1) The chairpersons of the joint standing committee of the General  
105 Assembly having cognizance of matters relating to the judiciary, or their  
106 designees;

107 (2) The ranking members of the joint standing committee of the  
108 General Assembly having cognizance of matters relating to the  
109 judiciary, or their designees;

110 (3) The chairpersons of the joint standing committee of the General  
111 Assembly having cognizance of matters relating to labor and public  
112 employees, or their designees;

113 (4) The ranking members of the joint standing committee of the  
114 General Assembly having cognizance of matters relating to labor and  
115 public employees, or their designees;

116 (5) The agency legal director for the Workers' Compensation  
117 Commission, or the director's designee; and

118 (6) The following persons, who shall be jointly appointed by the  
119 chairpersons of the joint standing committee of the General Assembly  
120 having cognizance of matters relating to the judiciary, or their  
121 designees:

122 (A) An attorney who specializes in representing claimants appearing  
123 before the Workers' Compensation Commission;

124 (B) An attorney who specializes in representing respondents  
125 appearing before the Workers' Compensation Commission;

126 (C) A representative of a state-wide bar association representing  
127 attorneys;

128 (D) A representative of a state-wide association representing trial  
129 attorneys; and

130 (E) A representative of a state-wide association representing workers'  
131 compensation insurers in the state.

132 (c) All appointments to the working group shall be made not later  
133 than thirty days after the effective date of this section.

134 (d) The chairpersons of the joint standing committee of the General  
135 Assembly having cognizance of matters relating to the judiciary, or their  
136 designees, shall serve as the chairpersons of the working group. The  
137 working group shall meet not less than monthly and at such other times  
138 as may be necessary upon the call of the chairpersons of the working  
139 group.

140 (e) Not later than February 1, 2024, the working group shall submit a  
141 report on its findings and legislative recommendations to the joint  
142 standing committees of the General Assembly having cognizance of  
143 matters relating to the judiciary and labor and public employees, in  
144 accordance with the provisions of section 11-4a of the general statutes.  
145 The working group shall terminate on the date that it submits such  
146 report or February 1, 2024, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	31-279(d)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section

**JUD**      *Joint Favorable Subst.*

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

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Workers' Compensation Claim Admin. Serv., Dept.	GF - Cost	Potential	Potential

**Municipal Impact:** None

**Explanation**

Section 1 requires medical plans approved by the Workers' Compensation Commission approved after October 1, 2023 to include an administrative process allowing employees to seek alternative determinations of the necessity of medical and health care services, and for the payment of those services. This would result in a potential cost to the state to the extent employees are able to use this option and receive medical and health care services that they would have not received without this option.

Section 2 and 3 requires the Judiciary Committee chairpersons to convene two working groups resulting in no fiscal impact to the state because the groups have the expertise to meet the requirements of the bill.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sHB 6797*****AN ACT CONCERNING PLANS FOR THE TREATMENT OF WORKPLACE INJURIES AND ILLNESSES AND ESTABLISHING WORKING GROUPS TO REVIEW ACCESS TO MEDICAL RECORDS AND PARTIAL DISABILITY PAYMENTS UNDER THE WORKERS' COMPENSATION ACT.*****SUMMARY**

This bill makes various changes affecting workers' compensation and related matters.

It requires the Workers' Compensation Commission (WCC) chairperson, in setting standards for approving employer or insurer medical plans, to include whether the plan has an administrative process allowing employees to seek certain information about the medical and health care services recommended by the plan's providers (e.g., their appropriateness and payment).

The bill also requires the Judiciary Committee chairpersons or their designees, by August 15, 2023, to convene two working groups. One group must review medical records-related statutes and develop legislative recommendations on (1) streamlining third-party record requests to health care providers in order to timely get record copies, and (2) setting reasonable fees for expenses when responding to these requests, including requests for electronic records.

The other group must review the level of partial permanent disability payments available to injured employees under the workers' compensation laws. This review must assess whether (1) existing laws adequately protect all injured employees in the state and (2) the laws on benefit levels should change.

EFFECTIVE DATE: Upon passage, except that the provision on



approval standards for employer or insurer medical plans takes effect October 1, 2023.

### **§ 1 — WORKERS' COMPENSATION MEDICAL PLANS**

Existing law allows employers and insurers acting for them to set up medical plans to provide treatment for job-related injuries and illnesses for employees receiving workers' compensation. The plans must be approved by the WCC chairperson, based on standards the chairperson sets in consultation with a medical advisory panel.

The bill requires these standards to include whether the plan has an administrative process allowing employees, without limit, to seek a determination on the (1) need for, or appropriateness of, the medical and health care services recommended by the plan's providers and (2) payment for these services.

Existing law also requires the standards to include, among other things, (1) the plan's ability to provide required services in a way that is timely, effective, and convenient for employees and (2) the inclusion of all service categories and enough providers for each type in accessible locations to ensure employees have adequate choice.

### **§§ 2 & 3 — WORKING GROUPS**

Under the bill, the Judiciary Committee chairpersons, or their designees, serve as both working groups' chairpersons. Each group must meet at least monthly, and at other times as necessary upon the call of the group's chairpersons.

For both groups, member appointments (see below) must be made within 30 days after the bill's passage.

#### ***Medical Records Working Group Membership***

Under the bill, the medical records working group includes the chairpersons and ranking members of the Judiciary and Public Health committees and the WCC's legal director, or their designees. The working group also includes the following eight members, jointly appointed by the Judiciary Committee chairpersons or their designees:

1. a representative of a national third-party medical records provider;
2. a representative of a national association representing third-party medical records providers;
3. an attorney specializing in personal injury law;
4. an attorney specializing in workers' compensation law;
5. a representative of a statewide bar association, representing attorneys; and
6. one representative each from three statewide associations, representing hospitals, physicians, and medical specialty providers.

#### ***Partial Permanent Disability Benefits Working Group Membership***

Under the bill, this working group includes the chairpersons and ranking members of the Judiciary and Labor and Public Employees committees and the WCC's legal director, or their designees. The group also includes the following five members, jointly appointed by the Judiciary Committee chairpersons or their designees:

1. two attorneys who specialize in representing clients appearing before the WCC, one for claimants and one for respondents;
2. two representatives of attorney groups, one for a statewide bar association and one for a statewide trial lawyers association; and
3. a representative of a statewide association representing in-state workers' compensation insurers.

#### ***Reporting Requirement***

By February 1, 2024, each working group must report on its findings and recommendations. The medical records group must report to the Judiciary and Public Health committees, and the other group must report to the Judiciary and Labor and Public Employees committees.

Each group terminates on the date it submits its report or on February 1, 2024, whichever is later.

**BACKGROUND**

***Related Bill***

sSB 958 (File 120), reported favorably by the Public Health Committee, sets new limits on health record fees charged by individual health care providers, including requests by patients themselves or by their attorneys or authorized representatives.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 37    Nay 0    (03/30/2023)