



General Assembly

January Session, 2023

Raised Bill No. 6550

LCO No. 3255



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

***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2 repealed and the following is substituted in lieu thereof (*Effective October*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)

Statement of Purpose:

To require employers or insurers acting on behalf of employers to (1) provide notice of a proposed discontinuance or reduction of coverage of an employee's prescription medication, and (2) obtain approval before such discontinuance or reduction takes effect.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]