



General Assembly

Raised Bill No. 6550

January Session, 2023

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2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 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
8 or hospital and nursing service, including medical rehabilitation
9 services and prescription drugs, as the physician, surgeon, physician
10 assistant or advanced practice registered nurse deems reasonable or
11 necessary. The employer, any insurer acting on behalf of the employer,
12 or any other entity acting on behalf of the employer or insurer shall be
13 responsible for paying the cost of such prescription drugs directly to
14 the provider. If the employer utilizes an approved providers list, when

15 an employee reports a work-related injury or condition to the
16 employer the employer shall provide the employee with such
17 approved providers list within 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
28 effect;

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

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

37 (D) Be in substantially the following form:

38 "IMPORTANT

39 STATE OF CONNECTICUT WORKERS' COMPENSATION
40 COMMISSION

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

44 REASONS:

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

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

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

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

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

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

74 [(2)] (5) If the injured employee is a local or state police officer, state
75 marshal, judicial marshal, correction officer, emergency medical
76 technician, paramedic, ambulance driver, firefighter, or active member
77 of a volunteer fire company or fire department engaged in volunteer
78 duties, who has been exposed in the line of duty to blood or bodily
79 fluids that may carry blood-borne disease, the medical and surgical aid
80 or hospital and nursing service provided by the employer shall include
81 any relevant diagnostic and prophylactic procedure for and treatment
82 of any blood-borne disease.

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

LAB *Joint Favorable*