



# House of Representatives

General Assembly

**File No. 331**

February Session, 2024

House Bill No. 5386

*House of Representatives, April 8, 2024*

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 AN OBJECTION,  
DISCONTINUANCE OR REDUCTION 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. Section 31-296 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2024*):

3 (a) If an employer and an injured employee, or in case of fatal injury  
4 the employee's legal representative or dependent, at a date not earlier  
5 than the expiration of the waiting period, reach an agreement in regard  
6 to compensation, such agreement shall be submitted in writing to the  
7 administrative law judge by the employer with a statement of the time,  
8 place and nature of the injury upon which it is based; and, if such  
9 administrative law judge finds such agreement to conform to the  
10 provisions of this chapter in every regard, the administrative law judge  
11 shall so approve it. A copy of the agreement, with a statement of the  
12 administrative law judge's approval, shall be delivered to each of the

13 parties and thereafter it shall be as binding upon both parties as an  
14 award by the administrative law judge. The administrative law judge's  
15 statement of approval shall also inform the employee or the employee's  
16 dependent, as the case may be, of any rights the individual may have to  
17 an annual cost-of-living adjustment or to participate in a rehabilitation  
18 program administered by the Department of Aging and Disability  
19 Services under the provisions of this chapter. The administrative law  
20 judge shall retain the original agreement, with the administrative law  
21 judge's approval thereof, in the administrative law judge's office and, if  
22 an application is made to the superior court for an execution, the  
23 administrative law judge shall, upon the request of said court, file in the  
24 court a certified copy of the agreement and statement of approval.

25 (b) Before discontinuing or reducing payment on account of total or  
26 partial incapacity under any such agreement, the employer or the  
27 employer's insurer, if it is claimed by or on behalf of the injured  
28 employee that such employee's incapacity still continues, shall notify  
29 the administrative law judge and the employee, in accordance with  
30 section 31-321, of the proposed discontinuance or reduction of such  
31 payments. Such notice shall specify the reason for the proposed  
32 discontinuance or reduction and the date such proposed discontinuance  
33 or reduction will commence. No discontinuance or reduction shall  
34 become effective unless specifically approved in writing by the  
35 administrative law judge. The employee may request a hearing on any  
36 such proposed discontinuance or reduction not later than fifteen days  
37 after receipt of such notice. Any such request for a hearing shall be given  
38 priority over requests for hearings on other matters. The administrative  
39 law judge shall not approve any such discontinuance or reduction prior  
40 to the expiration of the period for requesting a hearing or the completion  
41 of such hearing, whichever is later. In any case where the administrative  
42 law judge finds that an employer has discontinued or reduced any  
43 payments made in accordance with this section without the approval of  
44 the administrative law judge, such employer shall be required to pay to  
45 the employee the total amount of all payments so discontinued or the  
46 total amount by which such payments were reduced, as the case may  
47 be, and shall be required to pay interest to the employee, at a rate of one

48 and one-quarter per cent per month or portion of a month, on any  
49 payments so discontinued or on the total amount by which such  
50 payments were reduced, as the case may be, plus reasonable attorney's  
51 fees incurred by the employee in relation to such discontinuance or  
52 reduction.

53 (c) (1) If an employer or an employer's insurer objects to the renewal  
54 or approval of a prescription drug medication prescribed by such  
55 employee's authorized physician, surgeon, physician assistant or  
56 advanced practice registered nurse, or (2) before an employer or  
57 employer's insurer may discontinue or reduce payment for any  
58 prescription drug medication currently prescribed to an employee by  
59 such employee's physician, surgeon, physician assistant or advanced  
60 practice registered nurse, such employer or employer's insurer shall  
61 notify the administrative law judge and the employee, in accordance  
62 with section 31-321, of the proposed objection or proposed  
63 discontinuance or reduction of such payments. Such notice shall specify  
64 the reason for the proposed objection or proposed discontinuance or  
65 reduction and the date such proposed objection or proposed  
66 discontinuance or reduction will commence.

67 [(c)] (d) The employer's or insurer's notice of intention to discontinue  
68 or reduce payments under such agreement or notice of intent to object,  
69 discontinue or reduce payments of an employee's prescription drug  
70 medication shall (1) identify the claimant, the claimant's attorney or  
71 other representative, the employer, the insurer, and the injury,  
72 including the date of the injury, the city or town in which the injury  
73 occurred and the nature of the injury, (2) include medical  
74 documentation that (A) establishes the basis for the objection,  
75 discontinuance or reduction of payments, and (B) identifies the  
76 claimant's attending physician, physician assistant or advanced practice  
77 registered nurse, and (3) be in substantially the following form:

78 IMPORTANT

79 STATE OF CONNECTICUT WORKERS' COMPENSATION  
80 COMMISSION

81 YOU ARE HEREBY NOTIFIED THAT THE EMPLOYER OR  
 82 INSURER INTENDS TO REDUCE OR DISCONTINUE YOUR  
 83 COMPENSATION PAYMENTS OR INTENDS TO OBJECT TO,  
 84 REDUCE OR DISCONTINUE YOUR PRESCRIPTION DRUG  
 85 MEDICATION PAYMENTS ON .... (date) FOR THE FOLLOWING  
 86 REASONS: .... (reasons)

87 If you object to the reduction or discontinuance of benefits or the  
 88 objection to, reduction or discontinuance of prescription drug  
 89 medication payments as stated in this notice, YOU MUST REQUEST A  
 90 HEARING NOT LATER THAN 15 DAYS after your receipt of this  
 91 notice, or this notice will automatically be approved.

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

94 Be prepared to provide medical and other documentation to support  
 95 your objection. For your protection, note the date when you received  
 96 this notice.

97 (e) No provisions of this section shall apply when the employee's  
 98 prescription drug medication is discontinued by such employee's  
 99 authorized physician, surgeon, physician assistant or advanced practice  
 100 registered nurse.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	31-296

**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:**

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Department of Administrative Services - Workers' Comp. Claims	GF&TF - Potential Cost	Minimal	Minimal

Note: GF&TF=General Fund & Transportation Fund

**Municipal Impact:**

Municipalities	Effect	FY 25 \$	FY 26 \$
All Municipalities	Potential Cost	Minimal	Minimal

**Explanation**

There is a potential minimal cost to the Department of Administrative Services and municipalities beginning in FY 25 for notifying all involved parties prior to discontinuing or reducing payment for any prescription drug medication that meets certain conditions. The bill specifies this notification must be written or printed and served personally or be sent by registered or certified mail.<sup>1</sup>

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of notifications sent.

<sup>1</sup>Certified mail is approximately \$4.50 as of 2024.

**OLR Bill Analysis****HB 5386*****AN ACT REQUIRING NOTICE OF AN OBJECTION, DISCONTINUANCE OR REDUCTION OF PRESCRIPTION MEDICATION UNDER A WORKERS' COMPENSATION CLAIM.*****SUMMARY**

This bill requires an employer or the employer's insurer to notify an employee and the Workers' Compensation Commission (WCC) before objecting to renewal or approval of, or discontinuing or reducing payment for, prescription medications the employee receives under workers' compensation. The bill sets requirements for the notice and gives the employee a right to a hearing on the matter.

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 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 their behalf) must pay for them (CGS § 31-294d).

The bill specifies that its requirements do not apply to situations where the employee's prescription medication is discontinued by the employee's physician or other medical professional.

EFFECTIVE DATE: October 1, 2024

**NOTICE TO OBJECT TO, DISCONTINUE, OR REDUCE PRESCRIPTION MEDICATIONS**

The bill requires the employer or the employer's insurer to notify the employee if they object to the approval or renewal of, or before discontinuing or reducing payment for, medications prescribed to the

employee due to a work-related illness or injury.

Under the bill, the notice must specify the (1) reason for the proposed objection, discontinuation, or reduction and (2) date the proposed action will start. It must (1) go to the employee and a workers' compensation administrative law judge and (2) be done in accordance with workers' compensation law. By law, these notices must be written or printed and served personally or by registered or certified mail at the person's last-known residence or place of business (CGS § 31-321).

### **Required Notice Information**

The bill requires the notice to include the same information as existing law requires for notices to employees about reducing or discontinuing workers' compensation payments.

The notice must substantially follow a form set in statute, which requires a heading stating, "IMPORTANT," followed by the notification of the employer's or insurer's intended action and certain required information. Specifically, it must inform the employee that a request for a hearing must be made within 15 days after receiving the notice, or it will be automatically approved (presumably by the workers' compensation commissioner). The notice also must:

1. identify the involved parties (e.g., employee, employee's attorney or other representative, employer, and insurer);
2. include information about the injury, including the date it happened, the city or town where it happened, and its nature; and
3. include medical documentation for the objection, discontinuation, or reduction, and the name of the employee's attending physician or APRN.

The form must instruct the employee, if he or she would like to request a hearing, to do the following: (1) call the WCC District Office in which the case is pending, (2) be prepared to give medical and other

documentation to support the objection, and (3) note the date he or she received the notice.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable

Yea 8 Nay 4 (03/19/2024)