



General Assembly

February Session, 2024

Raised Bill No. 5386

LCO No. 1957



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

***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 Section 31-296 of the general statutes is repealed and the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 object 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 advance
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

Statement of Purpose:

To require employers or insurers acting on behalf of employees to (1) provide notice of a proposed discontinuance or reduction of coverage of an employee's prescription medication, and (2) obtain approval from an administrative law judge 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.]

