



General Assembly

Substitute Bill No. 5250

February Session, 2022



AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO THE WORKERS' COMPENSATION ACT.

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

1 Section 1. Subdivision (10) of section 31-275 of the 2022 supplement
2 to the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective from passage*):

4 (10) "Employer" means any person, corporation, limited liability
5 company, firm, partnership, voluntary association, joint stock
6 association, the state and any public corporation within the state using
7 the services of one or more employees for pay, or the legal
8 representative of any such employer, but all contracts of employment
9 between an employer employing persons excluded from the definition
10 of employee and any such employee shall be conclusively presumed to
11 include the following mutual agreements between employer and
12 employee: (A) That the employer may accept and become bound by the
13 provisions of this chapter by immediately complying with section 31-
14 284, as amended by this act; (B) that, if the employer accepts the
15 provisions of this chapter, the employee shall then be deemed to accept
16 and be bound by such provisions unless the employer neglects or
17 refuses to furnish immediately to the employee, on his or her written
18 request, evidence of compliance with section 31-284, as amended by this

19 act, in the form of a certificate from the administrative law judge, the
20 Insurance Commissioner or the insurer, as the case may be; (C) that the
21 employee may, at any time, withdraw his or her acceptance of, and
22 become released from, the provisions of this chapter by giving written
23 or printed notice of his or her withdrawal to the [administrative law
24 judge] chairperson and to the employer, and the withdrawal shall take
25 effect immediately from the time of its service on the [administrative
26 law judge] chairperson and the employer; and (D) that the employer
27 may withdraw his or her acceptance and the acceptance of the employee
28 by filing a written or printed notice of his or her withdrawal with the
29 [administrative law judge] chairperson and with the employee, and the
30 withdrawal shall take effect immediately from the time of its service on
31 the [administrative law judge] chairperson and the employee. The
32 notices of acceptance and withdrawal to be given by an employer
33 employing persons excluded from the definition of employee and the
34 notice of withdrawal to be given by the employee, as provided in this
35 subdivision, shall be served upon the [administrative law judge]
36 chairperson, employer or employee, [either by personal presentation or
37 by registered or certified mail] in accordance with section 31-321, as
38 amended by this act. In determining the number of employees
39 employed by an individual, the employees of a partnership of which he
40 is a member shall not be included. A person who is the sole proprietor
41 of a business may accept the provisions of this chapter by notifying the
42 [administrative law judge] chairperson, in writing, of his or her intent
43 to do so. If such person accepts the provisions of this chapter he shall be
44 considered to be an employer and shall insure his or her full liability in
45 accordance with subdivision (2) of subsection (b) of section 31-284, as
46 amended by this act. Such person may withdraw his or her acceptance
47 by giving notice of his or her withdrawal, in writing, to the
48 [administrative law judge] chairperson. Any person who is a partner in
49 a business shall be deemed to have accepted the provisions of this
50 chapter and shall insure his or her full liability in accordance with
51 subdivision (2) of subsection (b) of section 31-284, as amended by this
52 act, unless the partnership elects to be excluded from the provisions of
53 this chapter by notice, in writing and by signed agreement of each

54 partner, to the [administrative law judge] chairperson.

55 Sec. 2. Subsections (a) and (b) of section 31-294c of the general statutes
56 are repealed and the following is substituted in lieu thereof (*Effective*
57 *from passage*):

58 (a) No proceedings for compensation under the provisions of this
59 chapter shall be maintained unless a written notice of claim for
60 compensation is given within one year from the date of the accident or
61 within three years from the first manifestation of a symptom of the
62 occupational disease, as the case may be, which caused the personal
63 injury, provided, if death has resulted within two years from the date of
64 the accident or first manifestation of a symptom of the occupational
65 disease, a dependent or dependents, or the legal representative of the
66 deceased employee, may make claim for compensation within the two-
67 year period or within one year from the date of death, whichever is later.
68 Notice of claim for compensation may be given to the employer or any
69 administrative law judge and shall state, in simple language, the date
70 and place of the accident and the nature of the injury resulting from the
71 accident, or the date of the first manifestation of a symptom of the
72 occupational disease and the nature of the disease, as the case may be,
73 and the name and address of the employee and of the person in whose
74 interest compensation is claimed. An employee of the state shall send a
75 copy of the notice to the Commissioner of Administrative Services. An
76 employee of a municipality shall send a copy of the notice to the town
77 clerk of the municipality in which he or she is employed. An employer,
78 other than the state or a municipality, may opt to post a copy of where
79 notice of a claim for compensation shall be sent by an employee in the
80 workplace location where other labor law posters required by the Labor
81 Department are prominently displayed. In addition, an employer,
82 opting to post where notice of a claim for compensation by an employee
83 shall be sent, shall forward the address of where notice of a claim for
84 compensation shall be sent to the Workers' Compensation Commission
85 and the commission shall post such address on its Internet web site. An
86 employer shall be responsible for verifying that information posted at a

87 workplace location is consistent with the information posted on the
88 commission's Internet web site. If an employee, other than an employee
89 of the state or a municipality, opts to mail to his or her employer the
90 written notice of a claim for compensation required under the
91 provisions of this section, such written notice shall be sent by the
92 employee to the employer [by certified mail] in accordance with section
93 31-321, as amended by this act. As used in this section, "manifestation of
94 a symptom" means manifestation to an employee claiming
95 compensation, or to some other person standing in such relation to him
96 that the knowledge of the person would be imputed to him, in a manner
97 that is or should be recognized by him as symptomatic of the
98 occupational disease for which compensation is claimed.

99 (b) Whenever liability to pay compensation is contested by the
100 employer, he shall file with the administrative law judge, on or before
101 the twenty-eighth day after he has received a written notice of claim, a
102 notice in accord with a form prescribed by the [chairman] chairperson
103 of the Workers' Compensation Commission stating that the right to
104 compensation is contested, the name of the claimant, the name of the
105 employer, the date of the alleged injury or death and the specific
106 grounds on which the right to compensation is contested. The employer
107 shall send a copy of the notice to the employee in accordance with
108 section 31-321, as amended by this act. If the employer or his legal
109 representative fails to file the notice contesting liability on or before the
110 twenty-eighth day after he has received the written notice of claim, the
111 employer shall commence payment of compensation for such injury or
112 death on or before the twenty-eighth day after he has received the
113 written notice of claim, but the employer may contest the employee's
114 right to receive compensation on any grounds or the extent of his
115 disability within one year from the receipt of the written notice of claim,
116 provided the employer shall not be required to commence payment of
117 compensation when the written notice of claim has not been properly
118 served in accordance with section 31-321 or when the written notice of
119 claim fails to include a warning that (1) the employer, if he has
120 commenced payment for the alleged injury or death on or before the

121 twenty-eighth day after receiving a written notice of claim, shall be
122 precluded from contesting liability unless a notice contesting liability is
123 filed within one year from the receipt of the written notice of claim, and
124 (2) the employer shall be conclusively presumed to have accepted the
125 compensability of the alleged injury or death unless the employer either
126 files a notice contesting liability on or before the twenty-eighth day after
127 receiving a written notice of claim or commences payment for the
128 alleged injury or death on or before such twenty-eighth day. An
129 employer shall be entitled, if he prevails, to reimbursement from the
130 claimant of any compensation paid by the employer on and after the
131 date the administrative law judge receives written notice from the
132 employer or his legal representative, in accordance with the form
133 prescribed by the [chairman] chairperson of the Workers' Compensation
134 Commission, stating that the right to compensation is contested.
135 Notwithstanding the provisions of this subsection, an employer who
136 fails to contest liability for an alleged injury or death on or before the
137 twenty-eighth day after receiving a written notice of claim and who fails
138 to commence payment for the alleged injury or death on or before such
139 twenty-eighth day, shall be conclusively presumed to have accepted the
140 compensability of the alleged injury or death. If an employer has opted
141 to post an address of where notice of a claim for compensation by an
142 employee shall be sent, as described in subsection (a) of this section, the
143 twenty-eight-day period set forth in this subsection shall begin on the
144 date when such employer receives written notice of a claim for
145 compensation at such posted address.

146 Sec. 3. Subsection (b) of section 31-296 of the 2022 supplement to the
147 general statutes is repealed and the following is substituted in lieu
148 thereof (*Effective from passage*):

149 (b) Before discontinuing or reducing payment on account of total or
150 partial incapacity under any such agreement, the employer or the
151 employer's insurer, if it is claimed by or on behalf of the injured
152 employee that such employee's incapacity still continues, shall notify
153 the administrative law judge and the employee, [by certified mail] in

154 accordance with section 31-321, as amended by this act, of the proposed
155 discontinuance or reduction of such payments. Such notice shall specify
156 the reason for the proposed discontinuance or reduction and the date
157 such proposed discontinuance or reduction will commence. No
158 discontinuance or reduction shall become effective unless specifically
159 approved in writing by the administrative law judge. The employee
160 may request a hearing on any such proposed discontinuance or
161 reduction not later than fifteen days after receipt of such notice. Any
162 such request for a hearing shall be given priority over requests for
163 hearings on other matters. The administrative law judge shall not
164 approve any such discontinuance or reduction prior to the expiration of
165 the period for requesting a hearing or the completion of such hearing,
166 whichever is later. In any case where the administrative law judge finds
167 that an employer has discontinued or reduced any payments made in
168 accordance with this section without the approval of the administrative
169 law judge, such employer shall be required to pay to the employee the
170 total amount of all payments so discontinued or the total amount by
171 which such payments were reduced, as the case may be, and shall be
172 required to pay interest to the employee, at a rate of one and one-quarter
173 per cent per month or portion of a month, on any payments so
174 discontinued or on the total amount by which such payments were
175 reduced, as the case may be, plus reasonable attorney's fees incurred by
176 the employee in relation to such discontinuance or reduction.

177 Sec. 4. Section 31-321 of the general statutes is repealed and the
178 following is substituted in lieu thereof (*Effective from passage*):

179 Unless otherwise specifically provided, or unless the circumstances
180 of the case or the rules of the commission direct otherwise, any notice
181 required under this chapter to be served upon an employer, employee,
182 [or] administrative law judge or the chairperson shall be by written or
183 printed notice, service personally or by registered or certified mail
184 addressed to the person upon whom it is to be served at the person's
185 last-known residence or place of business. Notices on behalf of a minor
186 shall be given by or to such minor's parent or guardian or, if there is no

187 parent or guardian, then by or to such minor.

188 Sec. 5. Section 31-276 of the general statutes is repealed and the
189 following is substituted in lieu thereof (*Effective from passage*):

190 (a) There shall be a Workers' Compensation Commission to
191 administer the workers' compensation system. There shall be sixteen
192 administrative law judges. On or before the date of the expiration of the
193 term of each administrative law judge or upon the occurrence of a
194 vacancy in the office of any administrative law judge for any reason, the
195 Governor shall nominate a competent person to fill that office.
196 Subsequent to July 1, 1993, each person nominated by the Governor to
197 serve as an administrative law judge shall have been a member in good
198 standing of the Connecticut bar for at least five years preceding the
199 nomination, provided the Governor shall not be precluded from
200 renominating an individual who has previously served as an
201 administrative law judge. The administrative law judges shall, upon
202 nomination by the Governor, be appointed by the General Assembly as
203 prescribed by law. They shall serve for a term of five years, but may be
204 removed by impeachment. The Governor shall from time to time select
205 one of the sixteen administrative law judges to serve as [chairman]
206 chairperson of the Workers' Compensation Commission at the pleasure
207 of the Governor. The administrative law judge selected by the Governor
208 to be [chairman] chairperson shall have previously served as an
209 administrative law judge in this state for at least one year.

210 (b) Notwithstanding the provisions of subsection (a) of this section,
211 on and after October 1, 1988, any administrative law judge whose term
212 expires on December thirty-first shall continue to serve until the next
213 succeeding March thirty-first.

214 (c) Each nomination made by the Governor to the General Assembly
215 for an administrative law judge shall be referred, without debate, to the
216 committee on the judiciary, which shall report thereon within thirty
217 legislative days from the time of reference, but no later than seven
218 legislative days before the adjourning of the General Assembly. Each

219 appointment by the General Assembly of an administrative law judge
220 shall be by concurrent resolution. The action on the passage of each such
221 resolution in the House and in the Senate shall be by vote taken on the
222 electrical roll-call device. No resolution shall contain the name of more
223 than one nominee. The Governor shall, within five days after he has
224 notice that any nomination for an administrative law judge made by him
225 has failed to be approved by the affirmative concurrent action of both
226 houses of the General Assembly, make another nomination to such
227 office.

228 (d) Notwithstanding the provisions of section 4-19, no vacancy in the
229 position of an administrative law judge shall be filled by the Governor
230 when the General Assembly is not in session unless, prior to such filling,
231 the Governor submits the name of the proposed vacancy appointee to
232 the committee on the judiciary. Within forty-five days, the committee on
233 the judiciary may, upon the call of either [chairman] chairperson, hold
234 a special meeting for the purpose of approving or disapproving such
235 proposed vacancy appointee by majority vote. The Governor shall not
236 administer the oath of office to such proposed vacancy appointee until
237 the committee has approved such proposed vacancy appointee. If the
238 committee determines that it cannot complete its investigation and act
239 on such proposed vacancy appointee within such forty-five-day period,
240 it may extend such period by an additional fifteen days. The committee
241 shall notify the Governor in writing of any such extension. Failure of the
242 committee to act on such proposed vacancy appointee within such
243 forty-five-day period or any fifteen-day extension period shall be
244 deemed to be an approval.

245 (e) Each administrative law judge shall be sworn to a faithful
246 performance of his duties. After notice and public hearing the Governor
247 may remove any administrative law judge for cause and the good of the
248 public service. Each administrative law judge shall devote his full time
249 to the duties of his office and shall not be otherwise gainfully employed.

250 Sec. 6. Subsection (a) of section 31-277 of the general statutes is
251 repealed and the following is substituted in lieu thereof (*Effective from*

252 *passage*):

253 (a) Each administrative law judge shall, during his first year of service
254 as an administrative law judge, receive an annual salary of six thousand
255 dollars less than the highest step level of a Superior Court judge; during
256 his second year of service as an administrative law judge, each
257 administrative law judge shall receive an annual salary of five thousand
258 dollars less than the highest step level of a Superior Court judge; during
259 his third year of service as an administrative law judge, he shall receive
260 an annual salary of four thousand dollars less than the highest step level
261 of a Superior Court judge; during his fourth year of service as an
262 administrative law judge, he shall receive an annual salary of three
263 thousand dollars less than the highest step level of a Superior Court
264 judge; during his fifth year of service as an administrative law judge, he
265 shall receive an annual salary of two thousand dollars less than the
266 highest step level of a Superior Court judge; and during his sixth year
267 of service as an administrative law judge, he shall receive an annual
268 salary of one thousand dollars less than the highest step level of a
269 Superior Court judge, together with his necessary clerical, office and
270 travel expenses as approved by the Comptroller; and the [chairman]
271 chairperson of the Workers' Compensation Commission shall receive in
272 addition ten thousand dollars annually. Each administrative law judge
273 shall devote his entire time to the duties of his office and shall not be
274 otherwise gainfully employed.

275 Sec. 7. Section 31-278 of the general statutes is repealed and the
276 following is substituted in lieu thereof (*Effective from passage*):

277 Each administrative law judge shall, for the purposes of this chapter,
278 have power to summon and examine under oath such witnesses, and
279 may direct the production of, and examine or cause to be produced or
280 examined, such books, records, vouchers, memoranda, documents,
281 letters, contracts or other papers in relation to any matter at issue as he
282 may find proper, and shall have the same powers in reference thereto as
283 are vested in magistrates taking depositions and shall have the power
284 to order depositions pursuant to section 52-148. He shall have power to

285 certify to official acts and shall have all powers necessary to enable him
286 to perform the duties imposed upon him by the provisions of this
287 chapter. Each administrative law judge shall hear all claims and
288 questions arising under this chapter in the district to which the
289 administrative law judge is assigned and all such claims shall be filed in
290 the district in which the claim arises, provided, if it is uncertain in which
291 district a claim arises, or if a claim arises out of several injuries or
292 occupational diseases which occurred in one or more districts, the
293 administrative law judge to whom the first request for hearing is made
294 shall hear and determine such claim to the same extent as if it arose
295 solely within his own district. If an administrative law judge is
296 disqualified or temporarily incapacitated from hearing any matter, or if
297 the parties shall so request and the [chairman] chairperson of the
298 Workers' Compensation Commission finds that it will facilitate a
299 speedier disposition of the claim, he shall designate some other
300 administrative law judge to hear and decide such matter. The Superior
301 Court, on application of an administrative law judge or the [chairman]
302 chairperson or the Attorney General, may enforce, by appropriate
303 decree or process, any provision of this chapter or any proper order of
304 an administrative law judge or the [chairman] chairperson rendered
305 pursuant to any such provision. Any administrative law judge, after
306 ceasing to hold office as such administrative law judge, may settle and
307 dispose of all matters relating to appealed cases, including correcting
308 findings and certifying records, as well as any other unfinished matters
309 pertaining to causes theretofore tried by him, to the same extent as if he
310 were still such administrative law judge.

311 Sec. 8. Section 31-279 of the general statutes is repealed and the
312 following is substituted in lieu thereof (*Effective from passage*):

313 (a) The [chairman] chairperson of the Workers' Compensation
314 Commission shall adopt regulations, in accordance with the provisions
315 of chapter 54, specifying the minimum information to be contained in a
316 notice of the availability of compensation which shall be posted in the
317 workplace by each employer subject to the provisions of this chapter

318 pursuant to subsection (f) of section 31-284.

319 (b) The [chairman] chairperson of the Workers' Compensation
320 Commission shall, not later than July 1, 1991, adopt regulations, in
321 accordance with chapter 54, to create a uniform system to be used by
322 medical professionals in determining the degree of physical impairment
323 of persons receiving compensation under this chapter.

324 (c) (1) Any employer or any insurer acting on behalf of an employer,
325 may establish a plan, subject to the approval of the [chairman]
326 chairperson of the Workers' Compensation Commission under
327 subsection (d) of this section, for the provision of medical care that the
328 employer provides for treatment of any injury or illness under this
329 chapter. Each plan shall contain such information as the [chairman]
330 chairperson shall require, including, but not limited to:

331 (A) A listing of all persons who will provide services under the plan,
332 along with appropriate evidence that each person listed has met any
333 licensing, certification or registration requirement necessary for the
334 person to legally provide the service in this state;

335 (B) A listing of all pharmacies that will provide services under the
336 plan, to which the employer, any insurer acting on behalf of the
337 employer, or any other entity acting on behalf of the employer or insurer
338 shall make direct payments for any prescription drug prescribed by a
339 physician participating in the plan;

340 (C) A designation of the times, places and manners in which the
341 services will be provided;

342 (D) A description of how the quality and quantity of medical care will
343 be managed; and

344 (E) Such other provisions as the employer and the employees may
345 agree to, subject to the approval of the [chairman] chairperson.

346 (2) The election by an employee covered by a plan established under

347 this subsection to obtain medical care and treatment from a provider of
348 medical services who is not listed in the plan shall suspend the
349 employee's right to compensation, subject to the order of the
350 administrative law judge.

351 (d) Each plan established under subsection (c) of this section shall be
352 submitted to the [chairman] chairperson for his approval at least one
353 hundred twenty days before the proposed effective date of the plan and
354 each approved plan, along with any proposed changes therein, shall be
355 resubmitted to the [chairman] chairperson every two years thereafter
356 for reapproval. The [chairman] chairperson shall approve or disapprove
357 such plans on the basis of standards established by the [chairman]
358 chairperson in consultation with a medical advisory panel appointed by
359 the [chairman] chairperson. Such standards shall include, but not be
360 limited to: (1) The ability of the plan to provide all medical and health
361 care services that may be required under this chapter in a manner that
362 is timely, effective and convenient for the employees; (2) the inclusion
363 in the plan of all categories of medical service and of an adequate
364 number of providers of each type of medical service in accessible
365 locations to ensure that employees are given an adequate choice of
366 providers; (3) the provision in the plan for appropriate financial
367 incentives to reduce service costs and utilization without a reduction in
368 the quality of service; (4) the inclusion in the plan of fee screening, peer
369 review, service utilization review and dispute resolution procedures
370 designed to prevent inappropriate or excessive treatment; and (5) the
371 inclusion in the plan of a procedure by which information on medical
372 and health care service costs and utilization will be reported to the
373 [chairman] chairperson in order for him to determine the effectiveness
374 of the plan.

375 (e) Any person who serves as a member of the medical advisory
376 panel, appointed by the [chairman] chairperson of the Workers'
377 Compensation Commission pursuant to subsection (d) of this section,
378 shall be deemed to be a state officer or employee for purposes of
379 indemnification and defense under section 5-141d.

380 Sec. 9. Section 31-280 of the general statutes is repealed and the
381 following is substituted in lieu thereof (*Effective from passage*):

382 (a) There shall continue to be a [chairman] chairperson of the
383 Workers' Compensation Commission selected by the Governor as
384 provided in section 31-276, as amended by this act. The [chairman]
385 chairperson may not hear any matter arising under this chapter, except
386 appeals brought before the Compensation Review Board and except as
387 provided in subdivision (14) of subsection (b) of this section. The
388 [chairman] chairperson shall prepare the forms used by the commission,
389 shall have custody of the insurance coverage cards, shall prepare and
390 keep a list of self-insurers, shall prepare the annual report to the
391 Governor and shall publish, when necessary, bulletins showing the
392 changes in the compensation law, with annotations to the Connecticut
393 cases. The [chairman] chairperson shall be provided with sufficient staff
394 to assist him in the performance of his duties. The [chairman]
395 chairperson may, within available appropriations, appoint acting
396 administrative law judges on a per diem basis from among former
397 administrative law judges or qualified members of the bar of this state.
398 Any acting administrative law judge appointed under this subsection
399 shall be paid on a per diem basis in an amount to be determined by the
400 Commissioner of Administrative Services, subject to the provisions of
401 section 4-40, and shall have all the powers and duties of administrative
402 law judges. The Workers' Compensation Commission shall not be
403 construed to be a commission or board subject to the provisions of
404 section 4-9a.

405 (b) The [chairman] chairperson of the Workers' Compensation
406 Commission shall:

407 (1) Establish workers' compensation districts and district offices
408 within the state, assign administrative law judges to the districts to hear
409 all matters arising under this chapter within the districts and may
410 reassign administrative law judges once each year, except that when
411 there is a vacancy, illness or other emergency, or when unexpected
412 caseload increases require, the [chairman] chairperson may reassign

413 administrative law judges more than once each year;

414 (2) Adopt such rules as the [chairman] chairperson, in consultation
415 with the advisory board, deems necessary for the conduct of the internal
416 affairs of the Workers' Compensation Commission;

417 (3) Adopt regulations, in consultation with the advisory board and in
418 accordance with the provisions of chapter 54, to carry out his
419 responsibilities under this chapter;

420 (4) Prepare and adopt an annual budget and plan of operation in
421 consultation with the advisory board;

422 (5) Prepare and submit an annual report to the Governor and the
423 General Assembly;

424 (6) Allocate the resources of the commission to carry out the purposes
425 of this chapter;

426 (7) Establish an organizational structure and such divisions for the
427 commission, consistent with this chapter, as the [chairman] chairperson
428 deems necessary for the efficient and prompt operation of the
429 commission;

430 (8) Establish policy for all matters over which the commission has
431 jurisdiction, including education, statistical support and administrative
432 appeals;

433 (9) Appoint such supplementary advisory panels as the [chairman]
434 chairperson deems necessary and helpful;

435 (10) Establish, in consultation with the advisory board, (A) an
436 approved list of practicing physicians, surgeons, podiatrists,
437 optometrists and dentists from which an injured employee shall choose
438 for examination and treatment under the provisions of this chapter,
439 which shall include, but not be limited to, classifications of approved
440 practitioners by specialty, and (B) standards for the approval and

441 removal of physicians, surgeons, podiatrists, optometrists and dentists
442 from the list by the [chairman] chairperson;

443 (11) (A) Establish standards in consultation with the advisory board
444 for approving all fees for services rendered under this chapter by
445 attorneys, physicians, surgeons, podiatrists, optometrists, dentists and
446 other persons;

447 (B) In consultation with employers, their insurance carriers, union
448 representatives, physicians and third-party reimbursement
449 organizations establish, not later than October 1, 1993, and publish
450 annually thereafter, a fee schedule setting the fees payable by an
451 employer or its insurance carrier for services rendered under this
452 chapter by an approved physician, surgeon, podiatrist, optometrist,
453 dentist and other persons, provided the fee schedule shall not apply to
454 services rendered to a claimant who is participating in an employer's
455 managed care plan pursuant to section 31-279, as amended by this act.
456 On and after April 1, 2008, the [chairman] chairperson shall implement
457 and annually update relative values based on the Medicare resource-
458 based relative value scale and implement coding guidelines in
459 conformance with the Correct Coding Initiative used by the federal
460 Centers for Medicare and Medicaid Services. The conversion to the
461 Medicare resource-based relative value scale shall be revenue-neutral.
462 The fee schedule shall limit the annual growth in total medical fees to
463 the annual percentage increase in the consumer price index for all urban
464 workers. The [chairman] chairperson may make necessary adjustments
465 to the fee schedule for services rendered under this chapter where there
466 is no established Medicare resource-based relative value. Payment of
467 the established fees by the employer or its insurance carrier shall
468 constitute payment in full to the practitioner, and the practitioner may
469 not recover any additional amount from the claimant to whom services
470 have been rendered;

471 (C) Issue, not later than October 1, 1993, and publish annually
472 thereafter, guidelines for the maximum fees payable by a claimant for
473 any legal services rendered by an attorney in connection with the

474 provisions of this chapter, which fees shall be approved in accordance
475 with the standards established by the [chairman] chairperson pursuant
476 to subparagraph (A) of this subdivision;

477 (12) Approve applications for employer-sponsored medical care
478 plans, based on standards developed in consultation with a medical
479 advisory panel as provided in section 31-279, as amended by this act;

480 (13) Establish procedures for the hiring, dismissing or otherwise
481 disciplining and promoting employees of the commission, subject
482 where appropriate to the provisions of chapter 67;

483 (14) Control the hearing calendars of the administrative law judges,
484 and if necessary, preside over informal hearings in regard to
485 compensation under the provisions of this chapter in order to facilitate
486 the timely and efficient processing of cases;

487 (15) Enter into contracts with consultants and such other persons as
488 necessary for the proper functioning of the commission;

489 (16) Direct and supervise all administrative affairs of the commission;

490 (17) Keep and maintain a record of all advisory board proceedings;

491 (18) Assign and reassign a district manager and other staff to each of
492 the commission's district offices;

493 (19) Collect and analyze statistical data concerning the administration
494 of the Workers' Compensation Commission;

495 (20) Direct and supervise the implementation of a uniform case filing
496 and processing system in each of the district offices that will include, but
497 not be limited to, the ability to provide data on the number of cases
498 having multiple hearings, the number of postponed hearings and
499 hearing schedules for each district office;

500 (21) Establish staff development, training and education programs
501 designed to improve the quality of service provided by the commission,

502 including, but not limited to, a program to train district office staff in the
503 screening of hearing requests;

504 (22) Develop standard forms for requesting hearings and standard
505 policies regarding limits on the number of informal hearings that will
506 be allowed under this chapter, and limits on the number of
507 postponements that will be permitted before a formal hearing is held
508 pursuant to section 31-297;

509 (23) Develop guidelines for expediting disputed cases;

510 (24) Establish an ongoing training program, in consultation with the
511 advisory board, designed to assist the administrative law judges in the
512 fulfillment of their duties pursuant to the provisions of section 31-278,
513 as amended by this act, which program shall include instruction in the
514 following areas: Discovery, evidence, statutory interpretation, medical
515 terminology, legal decision writing and the purpose and procedures of
516 informal and formal hearings;

517 (25) Evaluate, in conjunction with the advisory board, the
518 performance of each administrative law judge biannually and,
519 notwithstanding the provisions of subsection (b) of section 1-210 and
520 chapter 55, make the performance evaluation of any administrative law
521 judge available only to the Governor, the members of the joint standing
522 committee on the judiciary and the respective administrative law judge
523 prior to any public hearing on the reappointment of any such
524 administrative law judge. Any information disclosed to such persons
525 shall be used by such persons only for the purpose for which it was
526 given and shall not be disclosed to any other person;

527 (26) (A) In consultation with insurers and practitioners, establish not
528 later than October 1, 1993, and publish annually thereafter, practitioner
529 billing guidelines for employers, workers' compensation insurance
530 carriers and practitioners approved by the [chairman] chairperson
531 pursuant to subdivision (10) of this subsection. The guidelines shall
532 include procedures for the resolution of billing disputes and shall

533 prohibit a practitioner from billing or soliciting payments from a
534 claimant for services rendered to the claimant under the provisions of
535 this chapter (i) during a payment dispute between the practitioner and
536 the employer or its workers' compensation insurance carrier, or (ii) in
537 excess of the maximum fees established pursuant to subparagraph (B)
538 of subdivision (11) of this subsection;

539 (B) In consultation with practitioners and insurers, develop not later
540 than July 1, 1994, practice protocols for reasonable and appropriate
541 treatment of a claimant under the provisions of this chapter, based on
542 the diagnosis of injury or illness. The commission shall annually publish
543 the practice protocols for use by approved practitioners, employers,
544 workers' compensation insurance carriers and administrative law
545 judges in evaluating the necessity and appropriateness of care provided
546 to a claimant under the provisions of this chapter;

547 (C) In consultation with practitioners and insurers, develop not later
548 than July 1, 1994, utilization review procedures for reasonable and
549 appropriate treatment of a claimant under the provisions of this chapter.
550 The [chairman] chairperson shall annually publish the procedures for
551 use by approved practitioners, employers, workers' compensation
552 insurance carriers and administrative law judges in evaluating the
553 necessity and appropriateness of care provided to a claimant under the
554 provisions of this chapter.

555 (c) The [chairman] chairperson, as soon as practicable after April first
556 of each year, shall submit to the Comptroller an estimated budget of
557 expenditures which shall include all direct and indirect costs incurred
558 by the Workers' Compensation Commission for the succeeding fiscal
559 year commencing on July first next. The Workers' Compensation
560 Commission, for the purposes of administration, shall not expend more
561 than the amounts specified in such estimated budget for each item of
562 expenditure except as authorized by the Comptroller. The [chairman]
563 chairperson shall include in his annual report to the Governor a
564 statement showing the expenses of administering the Workers'
565 Compensation Act for the preceding fiscal year.

566 (d) The [chairman] chairperson and the Comptroller, as soon as
567 practicable after August first in each year, shall ascertain the total
568 amount of expenses incurred by the commission, including, in addition
569 to the direct cost of personnel services, the cost of maintenance and
570 operation, rentals for space occupied in state leased offices and all other
571 direct and indirect costs, incurred by the commission and the expenses
572 incurred by the Department of Aging and Disability Services in
573 providing rehabilitation services for employees suffering compensable
574 injuries in accordance with the provisions of section 31-283a, during the
575 preceding fiscal year in connection with the administration of the
576 Workers' Compensation Act and the total noncontributory payments
577 required to be made to the Treasurer towards administrative law judges'
578 retirement salaries as provided in sections 51-49, 51-50, 51-50a and 51-
579 50b. An itemized statement of the expenses as so ascertained shall be
580 available for public inspection in the office of the [chairman]
581 chairperson of the Workers' Compensation Commission for thirty days
582 after notice to all insurance carriers, and to all employers permitted to
583 pay compensation directly affected thereby.

584 Sec. 10. Subsections (a) to (c), inclusive, of section 31-280a of the 2022
585 supplement to the general statutes are repealed and the following is
586 substituted in lieu thereof (*Effective from passage*):

587 (a) There shall be an Advisory Board of the Workers' Compensation
588 Commission to advise the [chairman] chairperson on matters
589 concerning policy for and the operation of the commission. The
590 advisory board shall consist of eight members, who shall be appointed
591 by the Governor, with the advice and consent of the General Assembly.
592 Four of such members shall represent employees and four shall
593 represent employers. One of such members representing employees
594 shall be an individual who has suffered an extensive disability arising
595 out of and in the course of his employment. One of such members
596 representing employers shall be a representative of a major general
597 hospital in the state. On or before January 1, 1992, the Governor shall
598 appoint, and the General Assembly shall confirm, such members of the

599 advisory board as follows: Two shall serve a term of four years from
600 said date, one of whom shall represent employees and one of whom
601 shall represent employers; two shall serve a term of three years from
602 said date, one of whom shall represent employees and one of whom
603 shall represent employers; two shall serve a term of two years from said
604 date, one of whom shall represent employees and one of whom shall
605 represent employers; and two shall serve a term of one year from said
606 date, one of whom shall represent employees and one of whom shall
607 represent employers. Thereafter such members shall be appointed for a
608 term of four years from January first in the year of their appointment.
609 Any vacancy on the advisory board shall be filled for the remainder of
610 the term in the same manner as the original appointment. The
611 [chairman] chairperson of the Workers' Compensation Commission
612 shall serve as an ex-officio member of the advisory board without the
613 power to vote.

614 (b) The appointed members of the advisory board shall select a ninth
615 member who shall be impartial and shall serve as the [chairman]
616 chairperson of the advisory board. The members of the advisory board
617 shall serve without compensation. Each member shall be reimbursed for
618 expenses necessarily incurred by the member in the performance of his
619 duties. The advisory board shall not be construed to be a board or
620 commission subject to the provisions of section 4-9a. The Workers'
621 Compensation Commission shall provide such staff as is necessary for
622 the performance of the functions and duties of the advisory board.

623 (c) The advisory board shall meet at least once in each calendar
624 quarter and at such other times as the [chairman] chairperson or the
625 [chairman] chairperson of the Workers' Compensation Commission
626 deem necessary. All actions of the advisory board shall require the
627 affirmative vote of six members of the advisory board. The advisory
628 board may bring any matter related to the operation of the workers'
629 compensation system to the attention of the [chairman] chairperson of
630 the Workers' Compensation Commission. The advisory board may
631 adopt any rules of procedure that the board deems necessary to carry

632 out its duties under this chapter.

633 Sec. 11. Subsection (a) of section 31-280b of the general statutes is
634 repealed and the following is substituted in lieu thereof (*Effective from*
635 *passage*):

636 (a) There shall be a Compensation Review Board within the Workers'
637 Compensation Commission. The [chairman] chairperson of the
638 Workers' Compensation Commission shall serve as chief of the
639 Compensation Review Board and shall have responsibility for the
640 operation of the board. On or before January 1, 1992, the [chairman]
641 chairperson shall appoint a chief clerk of the Compensation Review
642 Board under the provisions of chapter 67 who shall be responsible to the
643 [chairman] chairperson for the efficient operation of the board.

644 Sec. 12. Section 31-283g of the general statutes is repealed and the
645 following is substituted in lieu thereof (*Effective from passage*):

646 The Workers' Compensation Commission shall provide, in
647 convenient locations throughout the state, education services to
648 employees concerning the prevention of occupational diseases and
649 injuries, training for nonmanagement employees in workers'
650 compensation procedures and substantive rights, information to
651 employers concerning known and suspected workplace hazards and
652 training and information for medical professionals in workers'
653 compensation procedures, standards and requirements. The [chairman]
654 chairperson shall be provided with sufficient staff to assist him in the
655 performance of his duties. The [chairman] chairperson of the Workers'
656 Compensation Commission may adopt regulations, in accordance with
657 the provisions of chapter 54, to implement the provisions of this section.

658 Sec. 13. Subsections (b) and (c) of section 31-284 of the general statutes
659 are repealed and the following is substituted in lieu thereof (*Effective*
660 *from passage*):

661 (b) Each employer who does not furnish to the [chairman]
662 chairperson of the Workers' Compensation Commission satisfactory

663 proof of his solvency and financial ability to pay directly to injured
664 employees or other beneficiaries compensation provided by this chapter
665 shall insure his full liability under this chapter, other than his liability
666 for assessments pursuant to sections 31-345, as amended by this act, and
667 31-354 in one of the following ways: (1) By filing with the Insurance
668 Commissioner in form acceptable to him security guaranteeing the
669 performance of the obligations of this chapter by the employer; or (2) by
670 insuring his full liability under this part, exclusive of any liability
671 resulting from the terms of section 31-284b, in any stock or mutual
672 companies or associations that are or may be authorized to take such
673 risks in this state; or (3) by any combination of the methods provided in
674 subdivisions (1) and (2) of this subsection as he may choose, subject to
675 the approval of the Insurance Commissioner. If the employer fails to
676 comply with the requirements of this subsection, an employee may
677 bring an action against such employer for damages on account of
678 personal injury sustained by such employee arising out of and in the
679 course of his employment or on account of death resulting from
680 personal injury so sustained, except that there shall be no liability under
681 this section to an individual on the part of the employer if such
682 individual held himself out to the employer as an independent
683 contractor and the employer, in good faith, relied on that representation
684 as well as other indicia of such status and classified such individual as
685 an independent contractor. In case of an alleged noncompliance with the
686 provisions of this subsection, a certificate of noncompliance under oath,
687 by the [chairman] chairperson of the Workers' Compensation
688 Commission, shall constitute prima facie evidence of noncompliance.

689 (c) Each employer who does not furnish to the [chairman]
690 chairperson of the Workers' Compensation Commission satisfactory
691 proof of his solvency and financial ability to pay directly to the State
692 Treasurer the assessments required in sections 31-345, as amended by
693 this act, and 31-354 shall insure his full liability for the assessments in
694 one of the following ways: (1) By filing with the Insurance
695 Commissioner in form acceptable to him security guaranteeing the
696 payment of the assessments by the employer; (2) by insuring his full

697 liability for the assessments in any stock or mutual companies or
698 associations that are or may be authorized to take such risks in this state;
699 or (3) by any combination of the methods provided in subdivisions (1)
700 and (2) of this subsection as he may choose, subject to the approval of
701 the Insurance Commissioner. The payment of the assessments required
702 under sections 31-345, as amended by this act, and 31-354 is a condition
703 of doing business in this state and failure to pay the assessments, when
704 due, shall result in the denial of the privilege of doing business in this
705 state or to self-insure under subsections (b) and (c) of this section. If the
706 liability for the assessments is insured, the insurance shall be by
707 endorsement to a policy meeting all of the requirements of the Insurance
708 Commissioner, or by a separate policy insuring the liability for the
709 assessments, and otherwise meeting all of the requirements of the
710 Insurance Commissioner. In the case of any employer who files
711 acceptable security guaranteeing the liability for the assessments, failure
712 to pay the assessments, when due, shall result in the denial of the
713 privilege to self-insure under subsections (b) and (c) of this section.

714 Sec. 14. Subsection (e) of section 31-288 of the general statutes is
715 repealed and the following is substituted in lieu thereof (*Effective from*
716 *passage*):

717 (e) The [chairman] chairperson of the Workers' Compensation
718 Commission shall notify the State Treasurer and the Attorney General
719 of the imposition of any penalty, the date it was imposed, the amount
720 and whether there has been an appeal of said penalty. Any civil penalty
721 order issued pursuant to subsection (c) or (d) of this section shall state
722 that payment shall be made to the Second Injury Fund of the State
723 Treasurer, and that failure to pay within ninety days may result in civil
724 action to double the penalty. The State Treasurer shall collect any
725 penalty owed, and if the penalty is not paid within ninety days, the State
726 Treasurer shall notify the [chairman] chairperson of the Workers'
727 Compensation Commission and the Attorney General so that civil
728 action may be brought pursuant to section 31-289. Any appeal of a
729 penalty assessed pursuant to the provisions of subsections (c) and (d) of

730 this section shall be taken in accordance with the provisions of section
731 31-301, as amended by this act. The [chairman] chairperson shall adopt
732 regulations for the administrative law judges to use in setting fines
733 which shall require the administrative law judges to take into account
734 the nature of the employer's business and his number of employees.

735 Sec. 15. Section 31-289a of the general statutes is repealed and the
736 following is substituted in lieu thereof (*Effective from passage*):

737 (a) If any civil penalty imposed pursuant to any provision of this
738 chapter is not paid within ninety days of its imposition by an
739 administrative law judge, or within ninety days of the final disposition
740 of an appeal, as the case may be, the [chairman] chairperson of the
741 Workers' Compensation Commission shall immediately notify the
742 Attorney General of such failure to pay. Upon such notification, the
743 Attorney General may bring a civil action in the name of the state of
744 Connecticut in the superior court for the judicial district where the
745 administrative law judge imposed the civil penalty, to recover double
746 the amount of the civil penalty together with reasonable attorney's fees
747 and costs as taxed by the court. Any recovery under this section shall be
748 disbursed in the same manner as recoveries pursuant to section 31-355,
749 as amended by this act.

750 (b) An affidavit sworn to or affirmed by the [chairman] chairperson
751 of the Workers' Compensation Commission, or by the administrative
752 law judge who imposed the civil penalty referred to in the affidavit,
753 stating the name of the administrative law judge who imposed the civil
754 penalty, the amount of the civil penalty, the name of the violator against
755 whom the civil penalty was imposed, whether or not an appeal was
756 taken, the disposition of the appeal and whether or not the penalty was
757 paid, shall constitute prima facie proof of the facts contained in the
758 affidavit. Copies of the records of the Workers' Compensation
759 Commission, or of any administrative law judge, certified by said
760 [chairman] chairperson or by the administrative law judge having
761 custody of the records, containing the name of the administrative law
762 judge who imposed a civil penalty, the amount of the civil penalty, the

763 name of the violator against whom the civil penalty was imposed,
764 whether or not an appeal was taken, the disposition of the appeal and
765 whether or not the penalty was paid, shall constitute prima facie proof
766 of the facts contained in the records.

767 (c) Civil actions pursuant to this section shall be privileged in their
768 assignment for trial.

769 Sec. 16. Subsection (b) of section 31-290a of the 2022 supplement to
770 the general statutes is repealed and the following is substituted in lieu
771 thereof (*Effective from passage*):

772 (b) Any employee who is so discharged, disciplined or discriminated
773 against or who has been deliberately misinformed or deliberately
774 dissuaded from filing a claim for workers' compensation benefits or a
775 claim for payment of benefits from the Connecticut Essential Workers
776 COVID-19 Assistance Fund may either: (1) Bring a civil action in the
777 superior court for the judicial district where the employer has its
778 principal office for the reinstatement of his previous job, payment of
779 back wages and reestablishment of employee benefits to which he
780 would have otherwise been entitled if he had not been discriminated
781 against or discharged and any other damages caused by such
782 discrimination or discharge. The court may also award punitive
783 damages. Any employee who prevails in such a civil action shall be
784 awarded reasonable attorney's fees and costs to be taxed by the court;
785 or (2) file a complaint with the [chairman] chairperson of the Workers'
786 Compensation Commission alleging violation of the provisions of
787 subsection (a) of this section. Upon receipt of any such complaint, the
788 [chairman] chairperson shall select an administrative law judge to hear
789 the complaint, provided any administrative law judge who has
790 previously rendered any decision concerning the claim shall be
791 excluded. The hearing shall be held in the workers' compensation
792 district where the employer has its principal office. After the hearing,
793 the administrative law judge shall send each party a written copy of his
794 decision. The administrative law judge may award the employee the
795 reinstatement of his previous job, payment of back wages and

796 reestablishment of employee benefits to which he otherwise would have
797 been eligible if he had not been discriminated against or discharged.
798 Any employee who prevails in such a complaint shall be awarded
799 reasonable attorney's fees. Any party aggrieved by the decision of the
800 administrative law judge may appeal the decision to the Appellate
801 Court.

802 Sec. 17. Subsections (a) and (b) of section 31-290d of the general
803 statutes are repealed and the following is substituted in lieu thereof
804 (*Effective from passage*):

805 (a) There shall be a workers' compensation fraud unit within the
806 office of the Chief State's Attorney in the Division of Criminal Justice.
807 The unit, under the supervision of the Chief State's Attorney, may, upon
808 receipt of a complaint, at the request of the [chairman] chairperson of
809 the Workers' Compensation Commission or on its own initiative,
810 investigate cases of alleged fraud involving any claim for benefits, any
811 receipt or payment of benefits, or the insurance or self-insurance of
812 liability under sections 31-275 to 31-355a, inclusive, as amended by this
813 act. Upon conclusion of the investigation, the Chief State's Attorney
814 shall take appropriate action to enforce the laws of this state.

815 (b) The workers' compensation fraud unit shall submit a quarterly
816 report detailing its activities to the [chairman] chairperson and the
817 Advisory Board of the Workers' Compensation Commission and to the
818 Insurance Commissioner.

819 Sec. 18. Section 31-294d of the 2022 supplement to the general statutes
820 is repealed and the following is substituted in lieu thereof (*Effective from*
821 *passage*):

822 (a) (1) The employer, as soon as the employer has knowledge of an
823 injury, shall provide a competent physician, surgeon, physician
824 assistant or advanced practice registered nurse to attend the injured
825 employee and, in addition, shall furnish any medical and surgical aid or
826 hospital and nursing service, including medical rehabilitation services

827 and prescription drugs, as the physician, surgeon, physician assistant or
828 advanced practice registered nurse deems reasonable or necessary. The
829 employer, any insurer acting on behalf of the employer, or any other
830 entity acting on behalf of the employer or insurer shall be responsible
831 for paying the cost of such prescription drugs directly to the provider.
832 If the employer utilizes an approved providers list, when an employee
833 reports a work-related injury or condition to the employer the employer
834 shall provide the employee with such approved providers list within
835 two business days of such reporting.

836 (2) If the injured employee is a local or state police officer, state
837 marshal, judicial marshal, correction officer, emergency medical
838 technician, paramedic, ambulance driver, firefighter, or active member
839 of a volunteer fire company or fire department engaged in volunteer
840 duties, who has been exposed in the line of duty to blood or bodily fluids
841 that may carry blood-borne disease, the medical and surgical aid or
842 hospital and nursing service provided by the employer shall include any
843 relevant diagnostic and prophylactic procedure for and treatment of any
844 blood-borne disease.

845 (b) The employee shall select the physician, surgeon, physician
846 assistant or advanced practice registered nurse from an approved list of
847 physicians, surgeons, physician assistants and advanced practice
848 registered nurses prepared by the [chairman] chairperson of the
849 Workers' Compensation Commission. If the employee is unable to make
850 the selection, the employer shall do so, subject to ratification by the
851 employee or his next of kin. If the employer has a full-time staff
852 physician, physician assistant or advanced practice registered nurse or
853 if a physician, physician assistant or advanced practice registered nurse
854 is available on call, the initial treatment required immediately following
855 the injury may be rendered by that physician, physician assistant or
856 advanced practice registered nurse, but the employee may thereafter
857 select his own physician, physician assistant or advanced practice
858 registered nurse as provided by this chapter for any further treatment
859 without prior approval of the administrative law judge.

860 (c) The administrative law judge may, without hearing, at the request
861 of the employer or the injured employee, when good reason exists, or
862 on his own motion, authorize or direct a change of physician, surgeon,
863 physician assistant or advanced practice registered nurse or hospital or
864 nursing service provided pursuant to subsection (a) of this section.

865 (d) (1) The pecuniary liability of the employer for the medical and
866 surgical service required by this section shall be limited to the charges
867 that prevail in the same community or similar communities for similar
868 treatment of injured persons of a like standard of living when the similar
869 treatment is paid for by the injured person. Notwithstanding the
870 provisions of chapter 368z, prior to the date the liability of the employer
871 is established pursuant to subdivision (2) of this subsection, the liability
872 of the employer for hospital service shall be determined exclusively by
873 the provisions of this subdivision and shall remain the amount it
874 actually costs the hospital to render the service, as determined by the
875 administrative law judge, except in the case of state humane institutions,
876 the liability of the employer shall be the per capita cost as determined
877 by the Comptroller under the provisions of section 17b-223. All disputes
878 concerning liability for hospital services in workers' compensation cases
879 shall be filed not later than one year from the date the initial payment
880 for services was remitted, regardless of the date such services were
881 provided, unless any applicable law, rule or regulation establishes a
882 shorter time frame, and shall be settled by the administrative law judge
883 in accordance with this chapter.

884 (2) Commencing ninety days after the formulas established by the
885 [chairman] chairperson of the Workers' Compensation Commission
886 have been published pursuant to subsection (e) of this section, unless
887 the employer and hospital or ambulatory surgical center have otherwise
888 negotiated to determine the liability of the employer for hospital or
889 ambulatory surgical center services required by this section, the liability
890 of the employer for hospital or ambulatory surgical center services shall
891 be: (A) If such services are covered by Medicare, limited to the
892 reimbursements listed in such formulas published pursuant to

893 subsection (e) of this section, or (B) if such services are not covered by
894 Medicare, determined by the [chairman] chairperson, in consultation
895 with employers and their insurance carriers, self-insured employers,
896 hospitals, ambulatory surgical centers, third-party reimbursement
897 organizations and other entities as deemed necessary by the Workers'
898 Compensation Commission.

899 (e) Not later than January 1, 2015, the [chairman] chairperson of the
900 Workers' Compensation Commission shall, in consultation with
901 employers and their insurance carriers, self-insured employers,
902 hospitals, ambulatory surgical centers, third-party reimbursement
903 organizations and other entities as deemed necessary by the Workers'
904 Compensation Commission, establish and publish Medicare-based
905 formulas, when available, to set the liability of employers for hospital
906 and ambulatory surgical center services required by this section that are
907 covered by Medicare. After the initial publication of such formulas, the
908 [chairman] chairperson shall publish such formulas on each January
909 first thereafter.

910 (f) If the employer fails to promptly provide a physician, surgeon,
911 physician assistant or advanced practice registered nurse or any medical
912 and surgical aid or hospital and nursing service as required by this
913 section, the injured employee may obtain a physician, surgeon,
914 physician assistant or advanced practice registered nurse, selected from
915 the approved list prepared by the [chairman] chairperson, or such
916 medical and surgical aid or hospital and nursing service at the expense
917 of the employer.

918 Sec. 19. Subsection (a) of section 31-294f of the general statutes is
919 repealed and the following is substituted in lieu thereof (*Effective from*
920 *passage*):

921 (a) An injured employee shall submit himself to examination by a
922 reputable practicing physician or surgeon, at any time while claiming or
923 receiving compensation, upon the reasonable request of the employer
924 or at the direction of the administrative law judge. The examination

925 shall be performed to determine the nature of the injury and the
926 incapacity resulting from the injury. The physician or surgeon shall be
927 selected by the employer from an approved list of physicians and
928 surgeons prepared by the [chairman] chairperson of the Workers'
929 Compensation Commission and shall be paid by the employer. At any
930 examination requested by the employer or directed by the
931 administrative law judge under this section, the injured employee shall
932 be allowed to have in attendance any reputable practicing physician or
933 surgeon that the employee obtains and pays for himself. The employee
934 shall submit to all other physical examinations as required by this
935 chapter. The refusal of an injured employee to submit himself to a
936 reasonable examination under this section shall suspend his right to
937 compensation during such refusal.

938 Sec. 20. Subsection (c) of section 31-295 of the general statutes is
939 repealed and the following is substituted in lieu thereof (*Effective from*
940 *passage*):

941 (c) If the employee is entitled to receive compensation for permanent
942 disability to an injured member in accordance with the provisions of
943 subsection (b) of section 31-308, the compensation shall be paid to him
944 beginning not later than thirty days following the date of the maximum
945 improvement of the member or members and, if the compensation
946 payments are not so paid, the employer shall, in addition to the
947 compensation rate, pay interest at the rate of ten per cent per annum on
948 such sum or sums from the date of maximum improvement. The
949 employer shall ascertain at least monthly whether employees are
950 entitled to compensation because of a loss of wages as a result of the
951 injury and, if there is a loss of wages, shall pay the compensation. The
952 [chairman] chairperson of the Workers' Compensation Commission
953 shall adopt regulations, in accordance with the provisions of chapter 54,
954 for the purpose of assuring prompt payment by the employer or his
955 insurance carrier.

956 Sec. 21. Section 31-297a of the general statutes is repealed and the
957 following is substituted in lieu thereof (*Effective from passage*):

958 In any informal hearing held by the administrative law judge or
959 [chairman] chairperson of the Workers' Compensation Commission in
960 regard to compensation under the provisions of this chapter, any
961 recommendations made by the administrative law judge or [chairman]
962 chairperson at the informal hearing shall be reduced to writing and, if
963 the parties accept such recommendations, the recommendations shall be
964 as binding upon both parties as an award by the administrative law
965 judge or [chairman] chairperson. The administrative law judge or
966 [chairman] chairperson shall not postpone any such informal hearing if
967 one party fails to attend unless both parties agree to the postponement.

968 Sec. 22. Subsection (e) of section 31-301 of the general statutes is
969 repealed and the following is substituted in lieu thereof (*Effective from*
970 *passage*):

971 (e) When an appeal is taken to the Compensation Review Board, the
972 chief clerk thereof shall notify the administrative law judge from whose
973 award the appeal was taken, in writing, of any action of the
974 Compensation Review Board thereon and of the final disposition of the
975 appeal, whether by judgment, withdrawal or otherwise, and shall upon
976 the decision of the appeal, furnish the administrative law judge with a
977 copy of the decision. Whenever any appeal is pending, if it appears to
978 the Compensation Review Board that justice so requires, the
979 Compensation Review Board shall order a certified copy of the evidence
980 for the use of the employer, the employee or both, and the certified copy
981 shall be made a part of the record on the appeal. The procedure in
982 appealing from an award of the administrative law judge shall be the
983 same as the procedure employed in an appeal from the Superior Court
984 to the Supreme Court, where applicable. The [chairman] chairperson of
985 the Workers' Compensation Commission shall adopt regulations, in
986 accordance with the provisions of chapter 54, to establish rules, methods
987 of procedure and forms as the [chairman] chairperson deems expedient
988 for the purposes of this chapter.

989 Sec. 23. Subsection (b) of section 31-306b of the general statutes is
990 repealed and the following is substituted in lieu thereof (*Effective from*

991 *passage*):

992 (b) Not later than October 1, 1998, the [chairman] chairperson of the
993 Workers' Compensation Commission shall develop a standard form
994 that may be used by employers and insurers to provide the notice
995 required under subsection (a) of this section.

996 Sec. 24. Subsection (b) of section 31-310 of the general statutes is
997 repealed and the following is substituted in lieu thereof (*Effective from*
998 *passage*):

999 (b) Each August fifteenth, the [chairman] chairperson of the Workers'
1000 Compensation Commission, in consultation with the advisory board,
1001 shall publish tables of the average weekly wage and seventy-five per
1002 cent of the average weekly wage after being reduced by any deduction
1003 for federal or state taxes, or both, and for the federal Insurance
1004 Contributions Act, to be effective the following October first, except that
1005 not later than June thirtieth, the [chairman] chairperson, in consultation
1006 with the advisory board, shall publish tables of the average weekly
1007 wage and seventy-five per cent of the average weekly wage after being
1008 reduced by any deduction for federal or state taxes, or both, and for the
1009 federal Insurance Contributions Act, to be effective during the period
1010 July 1, 1993, to October 1, 1993. Such tables shall be conclusive for the
1011 purpose of determining seventy-five per cent of the average weekly
1012 earnings of an injured employee after such earnings have been reduced
1013 by any deduction for federal or state taxes, or both, and for the federal
1014 Insurance Contributions Act made from such employee's total wages
1015 received during the period of calculation of the employee's average
1016 weekly wage for purposes of sections 31-306, 31-307 and 31-308.

1017 Sec. 25. Subsection (a) of section 31-316 of the general statutes is
1018 repealed and the following is substituted in lieu thereof (*Effective from*
1019 *passage*):

1020 (a) Each employer shall keep a record of the injuries sustained by his
1021 employees in the course of their employment that result in incapacity

1022 for one day or more. Each employer shall send to the [chairman]
1023 chairperson of the Workers' Compensation Commission, in duplicate,
1024 each week, or more often if so directed, a report of all injuries that the
1025 rules prescribed by the [chairman] chairperson determine, including the
1026 time of each injury, together with notices of claims for compensation
1027 that have been served upon the employer under section 31-294c, as
1028 amended by this act, within one week of the receipt of the notices of
1029 claims. The employer shall inform the [chairman] chairperson as to the
1030 extent to which he provides accident and health insurance and life
1031 insurance coverage for his employees, and his payment or contribution
1032 requirements for any employee welfare plan, as defined in section 31-
1033 284b. No other report of injuries to employees shall be required by any
1034 department or office of the state from employers. The duplicates of the
1035 reports shall be immediately transmitted to the Labor Commissioner.

1036 Sec. 26. Section 31-326 of the general statutes is repealed and the
1037 following is substituted in lieu thereof (*Effective from passage*):

1038 Whenever the [chairman] chairperson of the Workers' Compensation
1039 Commission finds that any insurance company or association insuring
1040 the liability of an employer under the provisions of this chapter is
1041 conducting such business improperly or is dilatory in investigating and
1042 adjusting claims or making payments, or fails to comply with the
1043 provisions of this chapter or the rules, methods or procedure and forms
1044 adopted by the [chairman] chairperson, the [chairman] chairperson
1045 shall notify the Insurance Commissioner, in writing, setting forth the
1046 facts, and thereupon the Insurance Commissioner shall fix a time and
1047 place for a hearing thereon, giving reasonable notice to the [chairman]
1048 chairperson and to such company or association of such hearing, and, if
1049 he finds the allegations to be true, he shall either suspend for a time or
1050 revoke the license of such company or association to transact such
1051 business in this state. Whenever an administrative law judge has reason
1052 to believe that any employer who has furnished proof of his financial
1053 ability or filed with the Insurance Commissioner security for the
1054 performance of the obligations of this chapter in accordance with section

1055 31-284, as amended by this act, is dilatory in investigating or adjusting
1056 claims or in making payments, or fails to comply with the provisions of
1057 this chapter or the rules, methods of procedure and forms adopted by
1058 the [chairman] chairperson, he may notify the Insurance Commissioner,
1059 in writing, setting forth the facts, and thereupon the Insurance
1060 Commissioner shall fix the time and place for a hearing thereon, giving
1061 reasonable notice to the administrative law judge and to such employer,
1062 and, if he finds the allegations to be true, then, after ten days from the
1063 notice of such findings to such employer, the compliance of such
1064 employer with the terms of section 31-284, as amended by this act, shall
1065 be, as to any future injuries, null and void.

1066 Sec. 27. Subsection (b) of section 31-345 of the general statutes is
1067 repealed and the following is substituted in lieu thereof (*Effective from*
1068 *passage*):

1069 (b) (1) When, after the close of a fiscal year ending prior to July 1,
1070 1990, the [chairman] chairperson of the Workers' Compensation
1071 Commission and the Comptroller have determined the total amount of
1072 expenses of the Workers' Compensation Commission in accordance
1073 with the provisions of subsection (d) of section 31-280, as amended by
1074 this act, the Treasurer shall thereupon assess upon and collect from each
1075 employer, other than the state and any municipality participating for
1076 purposes of its liability under this chapter as a member in an interlocal
1077 risk management agency pursuant to chapter 113a, the proportion of
1078 such expenses that the total compensation and payment for hospital,
1079 medical and nursing care made by such self-insured employer or
1080 private insurance carrier acting on behalf of any such employer bore to
1081 the total compensation and payments for hospital, medical and nursing
1082 care made by all such insurance carriers and self-insurers. The amount
1083 so secured shall be used to reimburse the Treasurer for appropriations
1084 theretofore made by the state for the payment in the first instance of the
1085 expenses of administering this chapter. On and after July 1, 1986, the
1086 Treasurer shall, as soon as possible after the close of a fiscal year ending
1087 prior to July 1, 1990, estimate the pro rata cost to each employer based

1088 upon the costs assessed to such employer in the immediately preceding
1089 fiscal year and shall assess upon and collect from each such employer
1090 such estimated costs annually which shall be payable as provided in
1091 subsection (a) of this section except each annual assessment shall
1092 include an amount which represents the difference between the
1093 payments collected and the actual costs assessed to such employer for
1094 the immediately preceding fiscal year. The Treasurer is authorized to
1095 make credits or rebates for overpayments made under this subsection
1096 by any employer for any fiscal year.

1097 (2) The [chairman] chairperson of the Workers' Compensation
1098 Commission shall annually, on or after July first of each fiscal year,
1099 determine an amount sufficient in the [chairman's] chairperson's
1100 judgment to meet the expenses incurred by the Workers' Compensation
1101 Commission and the Department of Aging and Disability Services in
1102 providing rehabilitation services for employees suffering compensable
1103 injuries in accordance with section 31-283a. Such expenses shall include
1104 (A) the costs of the Division of Workers' Rehabilitation and the
1105 programs established by its director, for fiscal years prior to the fiscal
1106 year beginning July 1, 2011, (B) the costs of the Division of Worker
1107 Education and the programs established by its director, and (C) funding
1108 for the occupational health clinic program created pursuant to sections
1109 31-396 to 31-402, inclusive. The Treasurer shall thereupon assess upon
1110 and collect from each employer, other than the state and any
1111 municipality participating for purposes of its liability under this chapter
1112 as a member in an interlocal risk management agency pursuant to
1113 chapter 113a, the proportion of such expenses, based on the
1114 immediately preceding fiscal year, that the total compensation and
1115 payment for hospital, medical and nursing care made by such
1116 self-insured employer or private insurance carrier acting on behalf of
1117 any such employer bore to the total compensation and payments for the
1118 immediately preceding fiscal year for hospital, medical and nursing care
1119 made by such insurance carriers and self-insurers. For the fiscal years
1120 ending June 30, 2000, and June 30, 2001, such assessments shall not
1121 exceed five per cent of such total compensation and payments made by

1122 such insurance carriers and self-insurers. For the fiscal years ending
1123 June 30, 2002, and June 30, 2003, such assessments shall not exceed four
1124 and one-half per cent of such total compensation and payments made
1125 by such insurance carriers and self-insurers. For any fiscal year ending
1126 on or after June 30, 2004, such assessment shall not exceed four per cent
1127 of such total compensation and payments made by such insurance
1128 carriers and self-insurers. Such assessments and expenses shall not
1129 exceed the budget estimates submitted in accordance with subsection
1130 (c) of section 31-280, as amended by this act. For each fiscal year, such
1131 assessment shall be reduced pro rata by the amount of any surplus from
1132 the assessments of prior fiscal years. Said surplus shall be determined in
1133 accordance with subdivision (3) of this subsection. Such assessments
1134 shall be made in one annual assessment upon receipt of the [chairman's]
1135 chairperson's expense determination by the Treasurer. All assessments
1136 shall be paid not later than sixty days following the date of the
1137 assessment by the Treasurer. Any employer who fails to pay such
1138 assessment to the Treasurer within the time prescribed by this
1139 subdivision shall pay interest to the Treasurer on the assessment at the
1140 rate of eight per cent per annum from the date the assessment is due
1141 until the date of payment. All assessments received by the Treasurer
1142 pursuant to this subdivision to meet the expenses of the Workers'
1143 Compensation Commission shall be deposited in the Workers'
1144 Compensation Administration Fund established under section 31-344a.
1145 All assessments received by the Treasurer pursuant to this subdivision
1146 to meet the expenses incurred by the Department of Aging and
1147 Disability Services in providing rehabilitation services for employees
1148 suffering compensable injuries in accordance with section 31-283a shall
1149 be deposited in the Workers' Compensation Administration Fund. The
1150 Treasurer is hereby authorized to make credits or rebates for
1151 overpayments made under this subsection by any employer for any
1152 fiscal year.

1153 (3) As soon as practicable after the close of the state fiscal year, the
1154 Comptroller shall examine the Workers' Compensation Administration
1155 Fund and shall direct the State Treasurer to set aside within said fund

1156 amounts in excess of fifty per cent of the expenditures of the Workers'
1157 Compensation Commission for the most recently completed fiscal year,
1158 which shall be considered a surplus for purposes of subdivision (2) of
1159 subsection (b) of this section.

1160 Sec. 28. Section 31-348 of the general statutes is repealed and the
1161 following is substituted in lieu thereof (*Effective from passage*):

1162 Every insurance company writing compensation insurance or its
1163 duly appointed agent shall report in writing or by other means to the
1164 [chairman] chairperson of the Workers' Compensation Commission, in
1165 accordance with rules prescribed by the [chairman] chairperson, the
1166 name of the person or corporation insured, including the state, the day
1167 on which the policy becomes effective and the date of its expiration,
1168 which report shall be made within fifteen days from the date of the
1169 policy. The cancellation of any policy so written and reported shall not
1170 become effective until fifteen days after notice of such cancellation has
1171 been filed with the [chairman] chairperson. Any insurance company
1172 violating any provision of this section shall be fined not less than one
1173 hundred nor more than one thousand dollars for each offense.

1174 Sec. 29. Section 31-349c of the general statutes is repealed and the
1175 following is substituted in lieu thereof (*Effective from passage*):

1176 (a) The custodian of the Second Injury Fund and an insurer or self-
1177 insured employer seeking to transfer a claim to the fund shall submit all
1178 controverted issues regarding the existence of a previous disability
1179 under section 31-349 to the [chairman] chairperson of the Workers'
1180 Compensation Commission. The [chairman] chairperson shall appoint
1181 a panel of three physicians, as defined in subdivision (17) of section 31-
1182 275, and submit such dispute to the panel, along with whatever
1183 evidence and materials he deems necessary for consideration in the
1184 matter. The panel may examine the claimant, who shall submit to any
1185 examination such panel may require. Within sixty days of receiving the
1186 submission, the panel shall file its opinion, in writing, with the
1187 [chairman] chairperson, who shall forward it, along with any records

1188 generated by the panel's work on the case, to the administrative law
1189 judge having jurisdiction over the claim in which the dispute arose. The
1190 panel's opinion shall be determined by a majority vote of the three
1191 members. Such opinion shall be binding on all parties to the claim and
1192 may not be appealed to the Compensation Review Board pursuant to
1193 section 31-301, as amended by this act.

1194 (b) The [chairman] chairperson of the Workers' Compensation
1195 Commission shall adopt regulations in accordance with the provisions
1196 of chapter 54 to establish a fee schedule for payment of medical panel
1197 members. Any fees paid pursuant to the provisions of this section shall
1198 be paid by the self-insured employer or insurer seeking fund
1199 reimbursement.

1200 Sec. 30. Subdivision (2) of subsection (a) of section 31-349g of the
1201 general statutes is repealed and the following is substituted in lieu
1202 thereof (*Effective from passage*):

1203 (2) "Self-insured employer" means an employer who is approved to
1204 self-insure its liabilities under this chapter by the [chairman]
1205 chairperson of the Workers' Compensation Commission. For the period
1206 commencing October 1, 2004, and ending December 31, 2004, "self-
1207 insured employer" includes an employer mutual association organized
1208 prior to June 6, 1996, with a membership composed exclusively of health
1209 care providers and whose premium base is derived entirely from health
1210 care organizations.

1211 Sec. 31. Subsection (b) of section 31-355 of the general statutes is
1212 repealed and the following is substituted in lieu thereof (*Effective from*
1213 *passage*):

1214 (b) When an award of compensation has been made under the
1215 provisions of this chapter against an employer who failed, neglected,
1216 refused or is unable to pay any type of benefit coming due as a
1217 consequence of such award or any adjustment in compensation
1218 required by this chapter, and whose insurer failed, neglected, refused or

1219 is unable to pay the compensation, such compensation shall be paid
 1220 from the Second Injury Fund. The administrative law judge, on a finding
 1221 of failure or inability to pay compensation, shall give notice to the
 1222 Treasurer of the award, directing the Treasurer to make payment from
 1223 the fund. Whenever liability to pay compensation is contested by the
 1224 Treasurer, the Treasurer shall file with the administrative law judge, on
 1225 or before the twenty-eighth day after the Treasurer has received an
 1226 order of payment from the administrative law judge, a notice in
 1227 accordance with a form prescribed by the [chairman] chairperson of the
 1228 Workers' Compensation Commission stating that the right to
 1229 compensation is contested, the name of the claimant, the name of the
 1230 employer, the date of the alleged injury or death and the specific
 1231 grounds on which the right to compensation is contested. A copy of the
 1232 notice shall be sent to the employee. The administrative law judge shall
 1233 hold a hearing on such contested liability at the request of the Treasurer
 1234 or the employee in accordance with the provisions of this chapter. If the
 1235 Treasurer fails to file the notice contesting liability within the time
 1236 prescribed in this section, the Treasurer shall be conclusively presumed
 1237 to have accepted the compensability of such alleged injury or death from
 1238 the Second Injury Fund and shall have no right thereafter to contest the
 1239 employee's right to receive compensation on any grounds or contest the
 1240 extent of the employee's disability.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | 31-275(10) |
| Sec. 2 | <i>from passage</i> | 31-294c(a) and (b) |
| Sec. 3 | <i>from passage</i> | 31-296(b) |
| Sec. 4 | <i>from passage</i> | 31-321 |
| Sec. 5 | <i>from passage</i> | 31-276 |
| Sec. 6 | <i>from passage</i> | 31-277(a) |
| Sec. 7 | <i>from passage</i> | 31-278 |
| Sec. 8 | <i>from passage</i> | 31-279 |
| Sec. 9 | <i>from passage</i> | 31-280 |
| Sec. 10 | <i>from passage</i> | 31-280a(a) to (c) |
| Sec. 11 | <i>from passage</i> | 31-280b(a) |

| | | |
|---------|---------------------|--------------------|
| Sec. 12 | <i>from passage</i> | 31-283g |
| Sec. 13 | <i>from passage</i> | 31-284(b) and (c) |
| Sec. 14 | <i>from passage</i> | 31-288(e) |
| Sec. 15 | <i>from passage</i> | 31-289a |
| Sec. 16 | <i>from passage</i> | 31-290a(b) |
| Sec. 17 | <i>from passage</i> | 31-290d(a) and (b) |
| Sec. 18 | <i>from passage</i> | 31-294d |
| Sec. 19 | <i>from passage</i> | 31-294f(a) |
| Sec. 20 | <i>from passage</i> | 31-295(c) |
| Sec. 21 | <i>from passage</i> | 31-297a |
| Sec. 22 | <i>from passage</i> | 31-301(e) |
| Sec. 23 | <i>from passage</i> | 31-306b(b) |
| Sec. 24 | <i>from passage</i> | 31-310(b) |
| Sec. 25 | <i>from passage</i> | 31-316(a) |
| Sec. 26 | <i>from passage</i> | 31-326 |
| Sec. 27 | <i>from passage</i> | 31-345(b) |
| Sec. 28 | <i>from passage</i> | 31-348 |
| Sec. 29 | <i>from passage</i> | 31-349c |
| Sec. 30 | <i>from passage</i> | 31-349g(a)(2) |
| Sec. 31 | <i>from passage</i> | 31-355(b) |

LAB *Joint Favorable Subst.*