

# Judiciary Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-6797

AN ACT CONCERNING THE RECEIPT OF WORKERS' COMPENSATION  
BENEFITS AND THE PROVISION OF MEDICAL RECORDS IN WORKERS'

**Title:** COMPENSATION MATTERS.

**Vote Date:** 3/30/2023

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/3/2023

**File No.:**

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## **SPONSORS OF BILL:**

Judiciary Committee

## **REASONS FOR BILL:**

This bill would serve to help individuals protect their self-interests as employed persons regardless of their immigration status. It would also hold medical providers liable for failing to properly assist employed persons in the supplication of medical records.

## **SUBSTITUTE LANGUAGE:**

The substitute language creates working groups for the matters covered in sections 1 and 3 of the original bill. Section 2 of the original bill is unchanged but renumbered as section 1.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

None expressed.

## **NATURE AND SOURCES OF SUPPORT:**

**Francis Drapeau, Connecticut Bar Association:** Francis supports this bill, stating that workers compensation cases are facing a growing problem when attempts to obtain medical records from providers are made. They have also stated that this growing problem coincides with major healthcare corporations purchasing medical practices in the state. They state that section 31-294f(b) lacks any penalty provision for noncompliance.

**Melanie I. Kolek, Legal Counsel:** Melanie supports this bill, stating that they support the new language proposed in full. They state that delays in receiving medical reports from certain medical providers caused their clients to suffer because lost wage claims were either denied, were not supported, or both.

#### **NATURE AND SOURCES OF OPPOSITION:**

**Dr. Tarik Kardestuncer, Connecticut Orthopedic Society:** Dr. Kardestuncer opposes this bill, stating that guidelines in the State of Connecticut Workers' Compensation Commission Professional Guide for Attorneys, Physicians, and Other Health Care Practitioners Guidelines for Cooperation represent fair and cooperative guidelines for both physicians and attorneys. He also states that there would be no appellate mechanism to request extensions for extenuating circumstances, giving far too much power to the requestor.

**Mike Muszynski, Connecticut Conference of Municipalities:** Mike opposes this bill, stating that based on past examinations by the Office of Fiscal Analysis, the bill would result in a significant cost to the state and municipalities. He also notes that total benefits would increase by nearly 200% and create an extreme fiscal burden on municipalities.

**Kyle Probst, Deputy General Counsel, CIOX Health:** Kyle opposes this bill, stating that it assumes medical records are filed extremely incorrectly, and it can be laborious and at times difficult to receive proper medical documentation. He also notes that electronic copies are not always the preferred form documentation and print copies are still necessary. He states that force majeure events put unnecessary strain on the process, and a bill that does not consider force majeure events is being extremely unfair to the providers. He then goes on to state that the payment penalty is egregious, and the statutory fee of \$0.05/page is lower than any state in the country and is a significant cut to the fee of \$0.65/page already in Connecticut Law.

**Brooke Foley, General Counsel, Insurance Association of Connecticut:** Brooke opposes this bill, stating that the bill would create egregiously long benefits windows for injured workers and those that are permanently disabled. Benefit maximums are far too large to maintain. She notes that it is illegal under federal law to knowingly hire or continue to employ undocumented workers. She also objects to the commissioner being able to determine if the employee's disability is substantial enough to allow for the award of such benefits past the original duration of said employee's permanent partial disability benefits. She also adds the inclusion of a new administrative process within a medical plan would increase friction costs and add delays and disputes. She also states that penalty payments for not providing medical records in a timely manner will disincentivize medical providers from participating in the workers' compensation system.

**The Connecticut Hospital Association:** The Connecticut Hospital Association opposes this bill, stating that the release of medical records can be potentially problematic and endanger people that require documentation from employers in other states and countries depending on laws from state-to-state and laws in foreign countries.

The following people state that the amount of time benefits will last under the bill are egregiously long:

- *APCIA, Vice President of Government Affairs, Kristina Baldwin*
- *Town Administrator of Wilton, Matt Knickerbocker*
- *CBIA, Public Policy Associate, Peter Myers*

**Reported by:** James Angelopoulos

**Date:** April 5, 2023