



PA 23-32—sHB 6797

Judiciary Committee

**AN ACT CONCERNING PLANS FOR THE TREATMENT OF
WORKPLACE INJURIES AND ILLNESSES AND ESTABLISHING
WORKING GROUPS TO REVIEW ACCESS TO MEDICAL RECORDS
AND PARTIAL DISABILITY PAYMENTS UNDER THE WORKERS'
COMPENSATION ACT**

SUMMARY: This act makes various changes affecting workers' compensation and related matters.

It requires the Workers' Compensation Commission (WCC) chairperson, in setting standards for approving employer or insurer medical plans, to include whether the plan has an administrative process allowing employees to seek certain information about the medical and health care services recommended by the plan's providers (e.g., their appropriateness and payment).

The act also requires the Judiciary Committee chairpersons or their designees, by August 15, 2023, to convene two working groups. One group must review medical records-related statutes and develop legislative recommendations on (1) streamlining third-party record requests to health care providers in order to timely get record copies and (2) setting reasonable fees for expenses when responding to these requests, including requests for electronic records.

The second group must review the level of partial permanent disability payments available to injured employees under the workers' compensation laws. This review must assess whether (1) existing laws adequately protect all injured employees in the state and (2) the laws on benefit levels should change.

EFFECTIVE DATE: October 1, 2023, except the working group provisions are effective upon passage.

§ 1 — WORKERS' COMPENSATION MEDICAL PLANS

Existing law allows employers or insurers acting for them to set up medical plans to provide treatment for job-related injuries and illnesses for employees receiving workers' compensation. The plans must be approved by the WCC chairperson, based on standards the chairperson sets in consultation with a medical advisory panel.

The act requires these standards to include whether the plan has an administrative process allowing employees, without limit, to seek a determination on the (1) need for, or appropriateness of, the medical and health care services recommended by the plan's providers and (2) payment for these services.

Existing law also requires the standards to include, among other things, the plan's (1) ability to provide required services in a way that is timely, effective, and convenient for employees and (2) inclusion of all service categories and enough

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providers for each type in accessible locations to ensure employees have adequate choice.

§§ 2 & 3 — WORKING GROUPS

Under the act, the Judiciary Committee chairpersons, or their designees, serve as both working groups' chairpersons. Each group must meet at least monthly, and at other times as necessary upon the call of the group's chairpersons.

For both groups, member appointments (see below) must be made by July 12, 2023.

Medical Records Working Group Membership

Under the act, the medical records working group includes the chairpersons and ranking members of the Judiciary and Public Health committees and the WCC's legal director, or their designees. The working group also includes the following eight members, jointly appointed by the Judiciary Committee chairpersons or their designees:

1. a representative of a national third-party medical records provider;
2. a representative of a national association representing third-party medical records providers;
3. an attorney specializing in personal injury law;
4. an attorney specializing in workers' compensation law;
5. a representative of a statewide bar association, representing attorneys; and
6. one representative each from three statewide medical-related associations, representing hospitals, physicians, and medical specialty providers.

Partial Permanent Disability Benefits Working Group Membership

Under the act, this working group includes the chairpersons and ranking members of the Judiciary and Labor and Public Employees committees and the WCC's legal director, or their designees. The group also includes the following five members, jointly appointed by the Judiciary Committee chairpersons or their designees:

1. two attorneys who specialize in representing clients appearing before the WCC, one for claimants and one for respondents;
2. two representatives of attorney groups, one for a statewide bar association and one for a statewide trial lawyers association; and
3. a representative of a statewide association representing in-state workers' compensation insurers.

Reporting Requirement

By February 1, 2024, each working group must report on its findings and recommendations. The medical records group must report to the Judiciary and Public Health committees, and the other group must report to the Judiciary and

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Labor and Public Employees committees. Each group terminates when it submits its report or on February 1, 2024, whichever is later.