



General Assembly

January Session, 2023

***Raised Bill No. 6797***

LCO No. 4881



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

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

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

1 Section 1. Section 31-308a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) In addition to the compensation benefits provided by section 31-  
4 308 for specific loss of a member or use of the function of a member of  
5 the body, or any personal injury covered by this chapter, the  
6 administrative law judge, after such payments provided by said section  
7 31-308 have been paid for the period set forth in said section, may award  
8 additional compensation benefits for such partial permanent disability  
9 equal to seventy-five per cent of the difference between the wages  
10 currently earned by an employee in a position comparable to the  
11 position held by such injured employee prior to [his] the injury,  
12 regardless of the injured employee's immigration status, after such  
13 wages have been reduced by any deduction for federal or state taxes, or  
14 both, and for the federal Insurance Contributions Act in accordance with

15 section 31-310, and the weekly amount which such employee will  
16 probably be able to earn thereafter, after such amount has been reduced  
17 by any deduction for federal or state taxes, or both, and for the federal  
18 Insurance Contributions Act in accordance with section 31-310, to be  
19 determined by the administrative law judge based upon the nature and  
20 extent of the injury, the training, education and experience of the  
21 employee, the availability of work for persons with such physical  
22 condition and at the employee's age, but not more than one hundred per  
23 cent, raised to the next even dollar, of the average weekly earnings of  
24 production and related workers in manufacturing in the state, as  
25 determined in accordance with the provisions of section 31-309. If  
26 evidence of exact loss of earnings is not available, such loss may be  
27 computed from the proportionate loss of physical ability or earning  
28 power caused by the injury. The duration of such additional  
29 compensation shall be determined upon a similar basis by the  
30 administrative law judge, but in no event shall the duration of such  
31 additional compensation exceed the lesser of (1) [the duration of the  
32 employee's permanent partial disability benefits, or (2) five hundred  
33 twenty weeks] five times the duration of the employee's permanent  
34 partial disability benefits, or (2) seven hundred eighty weeks. The  
35 commissioner shall determine whether the employee's disability is  
36 substantial enough to allow for the award of such benefits past the  
37 original duration of the employee's permanent partial disability  
38 benefits. Additional benefits provided under this section shall be  
39 available only to employees who are willing and able to perform work  
40 in this state.

41 (b) Notwithstanding the provisions of subsection (a) of this section,  
42 additional benefits provided under this section shall be available only  
43 when the nature of the injury and its effect on the earning capacity of an  
44 employee warrant additional compensation.

45 Sec. 2. Subsection (d) of section 31-279 of the general statutes is  
46 repealed and the following is substituted in lieu thereof (*Effective October*  
47 *1, 2023*):

48 (d) Each plan established under subsection (c) of this section shall be  
49 submitted to the chairperson for [his] the chairperson's approval at least  
50 one hundred twenty days before the proposed effective date of the plan  
51 and each approved plan, along with any proposed changes therein, shall  
52 be resubmitted to the chairperson every two years thereafter for  
53 reapproval. The chairperson shall approve or disapprove such plans on  
54 the basis of standards established by the chairperson in consultation  
55 with a medical advisory panel appointed by the chairperson. Such  
56 standards shall include, but not be limited to: (1) The ability of the plan  
57 to provide all medical and health care services that may be required  
58 under this chapter in a manner that is timely, effective and convenient  
59 for the employees; (2) the inclusion in the plan of all categories of  
60 medical service and of an adequate number of providers of each type of  
61 medical service in accessible locations to ensure that employees are  
62 given an adequate choice of providers; (3) the provision in the plan for  
63 appropriate financial incentives to reduce service costs and utilization  
64 without a reduction in the quality of service; (4) the inclusion in the plan  
65 of fee screening, peer review, service utilization review and dispute  
66 resolution procedures designed to prevent inappropriate or excessive  
67 treatment; [and] (5) the inclusion in the plan of a procedure by which  
68 information on medical and health care service costs and utilization will  
69 be reported to the chairperson in order for him to determine the  
70 effectiveness of the plan, and (6) the inclusion in the plan of an  
71 administrative process that permits an employee to seek, without  
72 limitation, a determination of the necessity and appropriateness of  
73 medical and health care services recommended by providers of a  
74 medical care plan and the payment for such appropriate, medically  
75 necessary health care services.

76 Sec. 3. Section 31-294f of the general statutes is repealed and the  
77 following is substituted in lieu thereof (*Effective October 1, 2023*):

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

82 shall be performed to determine the nature of the injury and the  
83 incapacity resulting from the injury. The physician or surgeon shall be  
84 selected by the employer from an approved list of physicians and  
85 surgeons prepared by the chairperson of the Workers' Compensation  
86 Commission and shall be paid by the employer. At any examination  
87 requested by the employer or directed by the administrative law judge  
88 under this section, the injured employee shall be allowed to have in  
89 attendance any reputable practicing physician or surgeon that the  
90 employee obtains and pays for himself. The employee shall submit to  
91 all other physical examinations as required by this chapter. The refusal  
92 of an injured employee to submit himself to a reasonable examination  
93 under this section shall suspend his right to compensation during such  
94 refusal.

95 (b) All medical reports concerning any injury of an employee  
96 sustained in the course of his employment shall be furnished within  
97 thirty days after the completion of the reports, at the same time and in  
98 the same manner, to the employer and the employee or his attorney.

99 (c) A medical provider, including a hospital or an emergency medical  
100 service organization, as defined in section 19a-175, upon receiving a  
101 request for medical records concerning an injured employee, which is  
102 accompanied by an authorization for the release of such medical records  
103 signed by the injured employee seeking compensation under the  
104 provisions of this chapter, shall provide such records to the person who  
105 makes the request not later than thirty days after the date of receipt of  
106 the request. The date of receipt of such request shall be deemed to be (1)  
107 not more than five days after the date of sending such request by United  
108 States mail, or (2) not more than one day after the date of sending such  
109 request by facsimile or electronic mail transmission to the appropriate  
110 facsimile number or electronic mail address, subject to clear and  
111 convincing proof to the contrary from the medical provider.

112 (d) A medical provider who fails to provide medical records within  
113 the time frame prescribed in subsection (c) of this section shall be  
114 assessed a mandatory penalty of twenty-five dollars per day, payable to

115 the requestor of such records, until the date on which such records are  
116 received. If such mandatory penalty is not voluntarily paid by the  
117 medical provider within thirty days following the date of the untimely  
118 provision of such records to the requestor, a workers' compensation  
119 administrative law judge shall impose an additional mandatory penalty  
120 on the medical provider of one hundred dollars per day for each day  
121 beyond the thirty days during which the medical records have not been  
122 provided, payable to the requestor of such records, and shall award  
123 reasonable attorneys' fees to the requestor if the requestor employs an  
124 attorney to request the records or ensure compliance with the provisions  
125 of this subsection. If a medical provider has contracted with a third  
126 party to provide, upon request, copies of the medical records of the  
127 medical provider, a third-party provider of medical records who fails to  
128 provide such records within the time frame prescribed in subsection (c)  
129 of this section shall be assessed a mandatory penalty of fifty dollars per  
130 day, payable to the requestor of such records, until the date on which  
131 such records are received. If such mandatory penalty is not voluntarily  
132 paid by the third-party provider within thirty days following the date  
133 of the untimely provision of such records to the requestor, a workers'  
134 compensation administrative law judge shall impose an additional  
135 mandatory penalty on the third-party provider of one hundred fifty  
136 dollars per day for each day beyond the thirty days during which the  
137 medical records have not been provided, payable to the requestor of  
138 such records, and shall award reasonable attorneys' fees to the requestor  
139 if the requestor employs an attorney to request the records or ensure  
140 compliance with the provisions of this subsection. On and after October  
141 1, 2023, any contract between a medical provider and a third-party  
142 provider of medical records shall contain a provision that acknowledges  
143 and reflects the contingent liability of the third-party provider of  
144 medical records for the penalties imposed under this subsection. The  
145 absence of such a provision in the contract shall not relieve the third-  
146 party provider of liability for the penalties imposed under this  
147 subsection and the contract shall be deemed to provide for such liability  
148 as a matter of law.

149 (e) When medical records are provided electronically to the  
150 requestor, a medical provider or third-party medical records provider  
151 may charge five cents per page for the provision of such electronic  
152 records. Any request for a narrative report concerning causation, work  
153 capacity or extent of disability shall be excluded from the time and  
154 penalty requirements of subsections (c) and (d) of this section. Any  
155 medical provider who is employed by the state, including The  
156 University of Connecticut Health Center or the United States  
157 government, shall not be subject to the penalties provided in subsection  
158 (d) of this section.

159 (f) As used in this section, "medical records" includes all records of  
160 medical treatment or services, including records concerning any  
161 condition of an injured employee's health not directly related to the  
162 health condition at issue in a workers' compensation claim, including  
163 wellness visits and physical examinations.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	31-308a
Sec. 2	October 1, 2023	31-279(d)
Sec. 3	October 1, 2023	31-294f

**Statement of Purpose:**

To enhance the ability of injured employees to receive benefits and timely access to medical records under the Workers' Compensation Act.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*