



General Assembly

Substitute Bill No. 6797

January Session, 2023



**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.**

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

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2 repealed and the following is substituted in lieu thereof (*Effective*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

4 (d) Each plan established under subsection (c) of this section shall be
5 submitted to the chairperson for [his] the chairperson's approval at
6 least one hundred twenty days before the proposed effective date of
7 the plan and each approved plan, along with any proposed changes
8 therein, shall be resubmitted to the chairperson every two years
9 thereafter for reapproval. The chairperson shall approve or disapprove
10 such plans on the basis of standards established by the chairperson in
11 consultation with a medical advisory panel appointed by the
12 chairperson. Such standards shall include, but not be limited to: (1)
13 The ability of the plan to provide all medical and health care services
14 that may be required under this chapter in a manner that is timely,
15 effective and convenient for the employees; (2) the inclusion in the
16 plan of all categories of medical service and of an adequate number of
17 providers of each type of medical service in accessible locations to

18 ensure that employees are given an adequate choice of providers; (3)
19 the provision in the plan for appropriate financial incentives to reduce
20 service costs and utilization without a reduction in the quality of
21 service; (4) the inclusion in the plan of fee screening, peer review,
22 service utilization review and dispute resolution procedures designed
23 to prevent inappropriate or excessive treatment; [and] (5) the inclusion
24 in the plan of a procedure by which information on medical and health
25 care service costs and utilization will be reported to the chairperson in
26 order for him to determine the effectiveness of the plan; and (6) the
27 inclusion in the plan of an administrative process that permits an
28 employee to seek, without limitation, a determination of the necessity
29 or appropriateness of medical and health care services recommended
30 by providers of a medical care plan and the payment for such
31 appropriate, medically necessary health care services.

32 Sec. 2. (*Effective from passage*) (a) On or before August 15, 2023, the
33 chairpersons of the joint standing committee of the General Assembly
34 having cognizance of matters relating to the judiciary, or their
35 designees, shall convene a working group to review provisions of the
36 general statutes relating to medical records to develop legislative
37 recommendations to (1) streamline medical record requests from third-
38 party requestors to health care providers in order to obtain copies of
39 medical records in a timely fashion, and (2) revise provisions of the
40 general statutes to provide for the reasonable assessment of fees for
41 expenses incurred when responding to requests for copies of medical
42 records, including electronic medical records.

43 (b) The working group convened pursuant to subsection (a) of this
44 section shall consist of:

45 (1) The chairpersons of the joint standing committee of the General
46 Assembly having cognizance of matters relating to the judiciary, or
47 their designees;

48 (2) The ranking members of the joint standing committee of the
49 General Assembly having cognizance of matters relating to the

50 judiciary, or their designees;

51 (3) The chairpersons of the joint standing committee of the General
52 Assembly having cognizance of matters relating to public health, or
53 their designees;

54 (4) The ranking members of the joint standing committee of the
55 General Assembly having cognizance of matters relating to public
56 health, or their designees;

57 (5) The agency legal director for the Workers' Compensation
58 Commission, or the director's designee; and

59 (6) The following persons, who shall be jointly appointed by the
60 chairpersons of the joint standing committee of the General Assembly
61 having cognizance of matters relating to the judiciary, or their
62 designees:

63 (A) A representative of a national third-party medical records
64 provider;

65 (B) A representative of a national association representing third-
66 party medical records providers;

67 (C) An attorney who specializes in personal injury law;

68 (D) An attorney who specializes in workers' compensation law;

69 (E) A representative of a state-wide bar association representing
70 attorneys;

71 (F) A representative of a state-wide association representing
72 hospitals;

73 (G) A representative of a state-wide association representing
74 physicians; and

75 (H) A representative of a state-wide association representing

76 medical specialty providers.

77 (c) All appointments to the working group shall be made not later
78 than thirty days after the effective date of this section.

79 (d) The chairpersons of the joint standing committee of the General
80 Assembly having cognizance of matters relating to the judiciary, or
81 their designees, shall serve as the chairpersons of the working group.
82 The working group shall meet not less than monthly and at such other
83 times as may be necessary upon the call of the chairpersons of the
84 working group.

85 (e) Not later than February 1, 2024, the working group shall submit
86 a report on its findings and legislative recommendations to the joint
87 standing committees of the General Assembly having cognizance of
88 matters relating to the judiciary and public health, in accordance with
89 the provisions of section 11-4a of the general statutes. The working
90 group shall terminate on the date that it submits such report or
91 February 1, 2024, whichever is later.

92 Sec. 3. (*Effective from passage*) (a) On or before August 15, 2023, the
93 chairpersons of the joint standing committee of the General Assembly
94 having cognizance of matters relating to the judiciary, or their
95 designees, shall convene a working group to review the level of partial
96 permanent disability payments available to injured employees under
97 chapter 568 of the general statutes. Such review shall include an
98 assessment of whether: (1) The provisions of the general statutes
99 adequately protect all injured employees in the state, and (2) the
100 provisions of the general statutes prescribing benefit levels should be
101 revised.

102 (b) The working group convened pursuant to subsection (a) of this
103 section shall consist of:

104 (1) The chairpersons of the joint standing committee of the General
105 Assembly having cognizance of matters relating to the judiciary, or
106 their designees;

107 (2) The ranking members of the joint standing committee of the
108 General Assembly having cognizance of matters relating to the
109 judiciary, or their designees;

110 (3) The chairpersons of the joint standing committee of the General
111 Assembly having cognizance of matters relating to labor and public
112 employees, or their designees;

113 (4) The ranking members of the joint standing committee of the
114 General Assembly having cognizance of matters relating to labor and
115 public employees, or their designees;

116 (5) The agency legal director for the Workers' Compensation
117 Commission, or the director's designee; and

118 (6) The following persons, who shall be jointly appointed by the
119 chairpersons of the joint standing committee of the General Assembly
120 having cognizance of matters relating to the judiciary, or their
121 designees:

122 (A) An attorney who specializes in representing claimants
123 appearing before the Workers' Compensation Commission;

124 (B) An attorney who specializes in representing respondents
125 appearing before the Workers' Compensation Commission;

126 (C) A representative of a state-wide bar association representing
127 attorneys;

128 (D) A representative of a state-wide association representing trial
129 attorneys; and

130 (E) A representative of a state-wide association representing
131 workers' compensation insurers in the state.

132 (c) All appointments to the working group shall be made not later
133 than thirty days after the effective date of this section.

134 (d) The chairpersons of the joint standing committee of the General
135 Assembly having cognizance of matters relating to the judiciary, or
136 their designees, shall serve as the chairpersons of the working group.
137 The working group shall meet not less than monthly and at such other
138 times as may be necessary upon the call of the chairpersons of the
139 working group.

140 (e) Not later than February 1, 2024, the working group shall submit
141 a report on its findings and legislative recommendations to the joint
142 standing committees of the General Assembly having cognizance of
143 matters relating to the judiciary and labor and public employees, in
144 accordance with the provisions of section 11-4a of the general statutes.
145 The working group shall terminate on the date that it submits such
146 report or February 1, 2024, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	31-279(d)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section

JUD *Joint Favorable Subst.*