
OLR Bill Analysis

HB 5386

AN ACT REQUIRING NOTICE OF AN OBJECTION, DISCONTINUANCE OR REDUCTION OF PRESCRIPTION MEDICATION UNDER A WORKERS' COMPENSATION CLAIM.

SUMMARY

This bill requires an employer or the employer's insurer to notify an employee and the Workers' Compensation Commission (WCC) before objecting to renewal or approval of, or discontinuing or reducing payment for, prescription medications the employee receives under workers' compensation. The bill sets requirements for the notice and gives the employee a right to a hearing on the matter.

By law, when an employee is injured at work, the employer must provide a physician, surgeon, physician assistant, or advanced practice registered nurse (APRN) to attend to the injured employee. These professionals can prescribe prescription drugs for the employee as they deem reasonable or necessary and the employer or the employer's insurance (or any representative acting on their behalf) must pay for them (CGS § 31-294d).

The bill specifies that its requirements do not apply to situations where the employee's prescription medication is discontinued by the employee's physician or other medical professional.

EFFECTIVE DATE: October 1, 2024

NOTICE TO OBJECT TO, DISCONTINUE, OR REDUCE PRESCRIPTION MEDICATIONS

The bill requires the employer or the employer's insurer to notify the employee if they object to the approval or renewal of, or before discontinuing or reducing payment for, medications prescribed to the employee due to a work-related illness or injury.

Under the bill, the notice must specify the (1) reason for the proposed objection, discontinuation, or reduction and (2) date the proposed action will start. It must (1) go to the employee and a workers' compensation administrative law judge and (2) be done in accordance with workers' compensation law. By law, these notices must be written or printed and served personally or by registered or certified mail at the person's last-known residence or place of business (CGS § 31-321).

Required Notice Information

The bill requires the notice to include the same information as existing law requires for notices to employees about reducing or discontinuing workers' compensation payments.

The notice must substantially follow a form set in statute, which requires a heading stating, "IMPORTANT," followed by the notification of the employer's or insurer's intended action and certain required information. Specifically, it must inform the employee that a request for a hearing must be made within 15 days after receiving the notice, or it will be automatically approved (presumably by the workers' compensation commissioner). The notice also must:

1. identify the involved parties (e.g., employee, employee's attorney or other representative, employer, and insurer);
2. include information about the injury, including the date it happened, the city or town where it happened, and its nature; and
3. include medical documentation for the objection, discontinuation, or reduction, and the name of the employee's attending physician or APRN.

The form must instruct the employee, if he or she would like to request a hearing, to do the following: (1) call the WCC District Office in which the case is pending, (2) be prepared to give medical and other documentation to support the objection, and (3) note the date he or she received the notice.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 8 Nay 4 (03/19/2024)