

Labor and Public Employees Committee

JOINT FAVORABLE REPORT

Bill No.: HB-5386

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

Title: COMPENSATION CLAIM.

Vote Date: 3/19/2024

Vote Action: Joint Favorable

PH Date: 3/5/2024

File No.:

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SPONSORS OF BILL:

Labor & Public Employees Committee

REASONS FOR BILL:

This bill seeks to create a notice for employees by employers about any alterations in prescriptions for a workers' compensation case. If a worker on workers' compensation is receiving a certain prescription medication, a change to that medication's availability under the workers' compensation can lead to negative results for the worker's health.

RESPONSE FROM ADMINISTRATION/AGENCY:

None provided

NATURE AND SOURCES OF SUPPORT:

Ed Hawthorne, President, Connecticut AFL-CIO: Mr. Hawthorne submitted testimony in support of this legislation. In his testimony, Mr. Hawthorne argues that it can be difficult for employees to win worker's compensation cases. He also argues that employers hope that employees aren't aware of their right to request a hearing for a worker's compensation case. He notes that it takes time for employees to recover from a sickness or injury and adopting this legislation would provide some relief to employees, as their access to prescription medications will not be "arbitrarily cut off by the employer or the employer's insurance company without notice."

Meg Lyon, Co-Chair of Workers' Compensation Section, Connecticut Trial Lawyers

Association: Mrs. Lyon submitted testimony in support of this legislation. In her testimony, Mrs. Lyon argues that employees only learn about prescription changes when they are at the pharmacy. She further argues, that employees are forced to use their insurance to pay for their medication(s) and are also forced to pay higher out-of-pocket expenses as a result. She notes that this legislation is only a notice provision and would not require adjudication from an Administrative Law Judge.

Pamela Puchalski, Co-Executive Director, Connecticut Council on Occupational Safety and

Health: Mrs. Puchalski submitted testimony in support of this legislation. In her testimony, Mrs. Puchalski argues that it is up to physicians to discern what treatments and medications are appropriate and necessary for any patient, an injured employee included. She argues that it is up to insurers to ensure that payment of those treatments and medications are appropriately paid for and any compensation an injured employee is entitled to is properly allocated.

NATURE AND SOURCES OF OPPOSITION:

Kristina Baldwin, Vice President, American Property Casualty Insurance Association:

Mrs. Baldwin submitted testimony in opposition to this legislation. In her testimony, Mrs. Baldwin argues that adopting this legislation would make it more difficult for employers and insurers to change "ineffective and often dangerous drug prescriptions." She notes that certain prescriptions can have the inverse effect of harming an employee's health, which can keep them out of work for an extended period. She also warns that adopting this legislation would lead to an increase in pharmaceutical costs and prolong the usage of potentially ineffective and dangerous drugs.

Brooke Foley, Counsel, Insurance Association of Connecticut:

Mrs. Foley submitted testimony in conjunction with the Connecticut Business and Industry Association in opposition to this legislation. In her testimony, Mrs. Foley argues that Form 36 would further prolong the process of an employee getting the necessary medication. She also argued that throughout that process which can take months, an employer or insurer is still required to pay for the medication which can be costly to these businesses. She notes that there are already sanctions and fines in place to ensure employers and insurers notify employees of changes in prescription, like Form 43, which is already used throughout the state. Mrs. Foley also notes that the health and well-being of employees are of mutual interest to employees and employers alike.

Zachary McKeown, Advocacy Manager, Connecticut Conference of Municipalities:

Mr. McKeown submitted testimony in opposition to this legislation. In his testimony, Mr. McKeown argues that it is current practice in Connecticut for an employer to complete a Form 36 to provide notification to the appropriate parties. He notes that the CCM does not see the need for this legislation, as it will only lead to an increase in litigation and confusion.

Pete Myers, Public Policy Associate, Connecticut Business and Industry Association:

Mr. Myers submitted testimony in conjunction with the Insurance Association of Connecticut in opposition to this legislation. In his testimony, Mr. Myers argues that Form 36 would further prolong the process of an employee getting the necessary medication. He also argued that throughout that process which can take months, an employer or insurer is still required to pay for the medication which can be costly to these businesses. He notes that there are already sanctions and fines in place to ensure employers and insurers notify employees of changes in prescription, like Form 43, which is already used throughout the state. Mr. Myers also notes that the health and well-being of employees are of mutual interest to employees and employers alike.

Reported by: Tyler Fisher

Date: 04/01/2024