



Substitute House Bill No. 6797

Public Act No. 23-32

***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:

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 Subsection (d) of section 31-279 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) A representative of a state-wide association representing medical specialty providers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved June 12, 2023