

The law firm of Strunk Dodge Aiken Zovas is pleased to announce the hiring of **Attorney Katherine Abel** to assist our firm in the defense of workers' compensation claims. Attorney Abel received her Bachelor of Arts Degree in Political Science, Summa Cum Laude, with a minor in Criminal Justice, from the University of Connecticut in 2001 (member Phi Beta Kappa). She graduated from the University Of Connecticut School Of Law in 2005. Prior to practicing in the area of workers' compensation, Attorney Abel's practice concentrated on civil defense litigation involving title insurance companies. She has argued before the State of Connecticut Appellate Court and litigated cases in Connecticut Superior Court. More recently she has limited her practice to the defense of Connecticut workers' compensation claims. Attorney Abel will be attending hearings on behalf of Strunk Dodge Aiken Zovas before the Workers' Compensation Commissioners as well as handling subrogation cases in Superior Court.

LEGISLATIVE UPDATE: In the event you had not previously noted, the implementer bill which passed during the Legislature's special session contained two workers' compensation provisions relevant to the employer's responsibility under the Workers' Compensation Act.

Specifically, Public Act 15-5, Section 459, amends General Statutes Section 31-294d(d) reinstating actual cost provisions as that which control hospital bills for service. The revised statute also sets a one year claim period from the date of initial payment in which to pursue any disputed payment. The new statute is an attempt to reverse the Supreme Court holding in Caraballo v. Electric Boat Corporation, 315 Conn. 704 (2015), which determined that the statutory language of Section 31-294d(d) no longer was applicable insofar as it limited the hospital's bills to the actual cost to render their services. There is little if any legislative history regarding the statutory revision and it may prompt additional litigation as to what employers/carriers actually owe for disputed hospital bills for services prior to April 1, 2015. As of April 1, 2015 hospital bills are subject to the official Connecticut fee schedule for hospitals and ambulatory surgical centers (See the Chairman's Memorandum No. 2015-02).

Public Act 15-5, Section 52, amends General Statutes Section 31-294d(a)(1) and requires employers with managed care plans as of July 1, 2015 to provide a list of approved providers to the employee within two business days of a report of injury. This means that employers and their administrators should have readily available lists of the approved medical providers so that the injured worker can promptly chose a physician to take over their care. We believe failure to provide a list of approved physicians may give rise to claims that the injured worker can seek treatment outside of the managed care plan.

COMMISSION UPDATES: Per the Chairman's Memorandum 2015-04, the State of Connecticut Workers' Compensation Commission now offers **non-binding mediation services** if both parties agree. The parties may select from a group of commissioners who have volunteered their services for mediation. Also, the **Medical Protocols** for hands, wrists and elbows were updated as of April 1, 2015 and the knee protocols were updated as of August 15, 2015. The updated protocols can be found at <http://wcc.state.ct.us/download/acrobat/protocols.pdf>

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