

Injured Employee Partial Permanent Disability Payment Working Group

MEETING MINUTES

Wednesday, October 24, 2023

12:00 PM in on Zoom and YouTube Live

The meeting was called to order at 12:02 PM by Chairman, Rep. Quinn

The following task force members were present:

Members: Ackert T. 008; Bill Beckert; Conley C. 040; Bud Drapeau; Collette Griffin; Fishbein C. 090; Colin Hoddinott; Kissel J. S07; Marie Gallo-Hall; Nathan Shafner; Joseph Passarretti; Quinn M. 082; Brooke Foley

Absent were: Sampson R. S16; Sanchez E. 024; Kushner J. 024

Guests: Brooke Foley

Remarks by the Chairs & Introductions:

Representative Quinn calls the meeting to order and welcomes everyone to the Injured Employee Partial Permanent Disability Payment Working Group meeting.

Representative Quinn starts with a brief introduction where he states that he and Rep. Conley are the Chairs of the working group. He asks the membership to state their name, what organizations they represent, and what their objective goals are for this committee.

He states that the specificity within the group's name allows for more flexibility with addressing issues. This group originates from legislation he planned to introduce to increase the amount of post-specific 308A benefits that an employee is entitled to receive.

He goes on to state that membership who previously practiced in workers compensation know that there was an unlimited amount of post-specific 308A benefits that an injured worker could receive. Because of the mid 90's reform they capped those benefits at the same limit of weeks as the permanent partial disability. He feels the cap limit is too low and hopes the committee will move in favor of increasing it. He would also like to address the cervical spine permanent partial disability rating. The current scale is becoming a very low number which he would like to increase so that in turn they could increase the number of weeks an injured worker can receive benefits for a cervical spine rating.

Representative Quinn yields his speaking time to committee co-chair representative Conley and denotes the speaking order.

Representative Conley introduces herself and concurs that the permanency rating around the number of weeks permitted for a neck injury was previously perceived as a well-established regulation. However, the new advancements in neck fusion and disk replacement research found that individuals with limited range of motion who were awarded 117 weeks in benefits did not perceive them to possess the same value now as they did when it was first established in the 90's. She states that reconsideration of these benefits are imperative as new strides are made in science and injury procedures. She would also like the committee to look into 31-308A (post-permanency benefits) as she believes individuals with different ailments are being placed into the same groups. Additionally, she states that qualifying to receive vocational rehabilitation services through the Worker's Compensation Commission is predicated upon having received a permanency award. These services are crucial for workers who are injured and cannot return to work and will require new training. Representative Conley explains that having the benefits correspond to the number of weeks disadvantages workers who will not receive benefits or compensation prior to the start of the training program.

Bud Drapeau introduces himself; he represents injured workers and is chair of the legislative initiative committee of the executive committee in the workers compensation sector of the Bar Association. He recalls that many of his clients will not start the vocational rehabilitation program because they are aware they will stop receiving benefits well before years end. The vocational rehabilitation program aids workers to achieve vocational security and creates a more productive workforce. He discusses the derailment of the program by the cap on 308A, he feels injustices have been created by the cap. He proposes that granting the Administrative Law Judges (ALJ) more discretionary power could lead to better case outcomes. In practicality, he feels that the cap allows for the assessment of a claim where the worker is vocationally incapacitated. It is costly and time consuming for both the commission and the worker to make a claim since there is a cap on 308A. He iterates that certain bodily parts do not correspond to the weeks associated with other major bodily injuries such as those in the back. He also

mentions that issues surrounding various other body parts not being listed in the benefits programs should be considered (e.g., *skin*).

Collette Griffin thanks the committee for inviting her and introduces herself as a correspondence attorney for Strunk Dodge Aiken Zovas LLC. She has practiced workers compensation defense law for 30 years. She wants the working group to come up with a decision that makes sense for the employers and employees of the State. She wants to hear from the collective and knows there have been issues raised about the cervical spine and post-specific 308A benefits. However, there have been strides to ameliorate these issues as it appeared that people were taking advantage of the benefits or not taking advantage of the rehabilitation option.

Brooke Foley introduces herself as general counsel with the Insurance Association of Connecticut representing the workers compensation carriers. She remarks that workers compensation issues are of the utmost importance to their firm, and they are glad to be involved this conversation.

Colin Hoddinott introduces himself as an attorney with the Law Offices of Cynthia M. Garraty. He has worked in workers compensation law for over 20 years. He has professional background in injured workers defense and primarily represents insurance companies and employers. Attorney Hoddinott affirms attorney Griffin's point that this committee raises the pertinent issue of permanent partial disability and the number of weeks awarded in 308A. He asserts that this issue is worth engaging in discourse over. However, he believes this conversation should account for the concerns of employers and insurance carriers. Therefore, he looks forward to reaching an agreement that addresses the concerns of both parties.

Marie Gallo-Hall introduces herself as the agency legal director for the Workers Compensation Commission. She emphasizes the commission does not align with a specific position in this matter and maintains a neutral perspective. Her role effectively functions as a conduit between the discourse and the logistics these changes applied within the agency. She will explain how the changes may process within the agency as well as the greater implications of these compromises.

Bill Beckert introduces himself and declares how privileged he is to serve on this committee. He agrees with Drapeau's earlier comments about 308A. He believes application of this rule is predicated upon an assumption which provides insufficient compensation for workers. He believes that the system needs to provide the better accessibility for workers to utilize the rehabilitation option that does not render them impoverished.

Joseph Passertti introduces himself as an attorney with Montstream Law Group, LLC. He has represented respondents for 30 years. He remarks that the 1983 reforms to the

statutory act whereby they decreased the amount of awarded benefits was upsetting as it deterred many companies from engaging in business relations in Connecticut. He mentions that Rep. Quinn and Rep. Conley are distinguished litigators that will lead the committee to an amicable decision. In turn, this will incentivize insurance companies and employers to reengage in business and hiring workers in Connecticut.

Representative Ackert begins by thanking the chairs for organizing this committee. He is honored to be apart of this esteemed group of professionals. He looks forward to learning more about the role he can play in assisting injured workers and maintaining decreased costs to businesses. He explains he is deeply concerned with safeguarding injured workers.

Nate Schafner begins discussion by stating how the division of workers rehab previously had funding that they defunded. Therefore, most funding costs have been relegated to 308A. He initially proposes that if someone is in an approved program which they are not awarded until they receive permanent restrictions, then the commissioner's discretion should be extended to the full number of weeks for impacted body part. He feels that the committee should trust their discretion and permit them award 308 up to the maximum limit in the statute. He remarks that the neck has been awarded less than a week in respect to permanency ratings. Moreover, he feels certain body parts need to be accounted for in 308B including the skin. He concludes by thanking the committee for their time and expresses his interests in working with the membership.

Scope and Goals of the Working Group:

Representative Quinn explains to the membership that the committee is considering meeting biweekly either via a hybrid or in-person schedule upon request. He states that the next meeting would be Tuesday Nov 14th at an unspecified time that afternoon. Him and Representative Conley have another working group dealing with the matter of medical records that they are sorting out scheduling for as well. He looks to begin a routine schedule soon and expresses his understanding for occasional meeting absences. He expresses that him and Representative Conley will soon send an email to gather the memberships input and feedback. The working group needs to have a report done by January if they decide on proposed legislation for the short session in February. He then asks if anyone has anymore question and concerns.

Representative Ackert requests to receive the membership list and the meeting minutes including the proposals and ideas of the attorneys in committee.

Nate Schafner inquires whether Representative Quinn would prefer to receive the memberships perspective on this matter or cite certain statutes. He continues and asks if subcommittee's will be implemented as well.

Representative Quinn affirmatively responds to Nate Schafner stating that he can respond to the email with any proposals. Furthermore, he adds that if it becomes both necessary and beneficial for a subcommittee to handle parts of this matter then they will approach that idea at that time.

He thanks the membership for agreeing to be apart of this and hope to arrive a unanimous decision.

Announcement of Time and Date of Next Meeting:

Tuesday November 14th, the time TBD

Adjournment:

This meeting was adjourned at 12:26 PM

Nate Kalechman

Ana Allen

Task Force Administrator

Minutes Prepared by