

## Department of Public Health Office of Health Care Access

In Re: Petition for Declaratory Ruling

Docket Number: 11-31718-DCR

Petitioners: Lawrence & Memorial Hospital, Waterbury Hospital, William W. Backus Hospital and The Hospital of Central Connecticut

### **RULING ON PETITION FOR DECLARATORY RULING**

On July 28, 2011, the Office of Health Care Access Division of the Department of Public Health ("OHCA") received a petition from Lawrence & Memorial Hospital, Waterbury Hospital, William W. Backus Hospital and The Hospital of Central Connecticut ("Petitioners") seeking a declaratory ruling from OHCA on the following:

*Whether the Petitioners' right to reimbursement from workers' compensation insurance carrier and employers for hospital care provided to an injured employee is controlled by General Statutes §§ 19a-646 and 19a-681 or General Statutes § 31-294d (d).*

OHCA provided notice of the petition to interested persons and entities on August 25, 2011.

#### *Discussion*

General Statutes § 4-176 (e) provides that:


Within 60 days after receipt of a petition for declaratory ruling, an agency in writing shall: (1) issue a ruling declaring the validity of a regulation or the applicability of the provision of the general statutes, the regulation or the final decision in question to the specified circumstances, (2) order the matter set for specified proceedings, (3) agree to issue a declaratory ruling by a specified date, (4) decide not to issue a declaratory ruling and initiate regulation-making proceedings, under section 4-168, on the subject, or (5) decide not to issue a declaratory ruling, stating the reasons for its action.

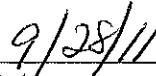
In the present case, OHCA has decided not to issue a declaratory ruling because OHCA lacks jurisdiction over the issue for which the petitioners seek a declaratory ruling. Specifically, General Statutes § 31-294d (d) provides in

relevant part, "The liability of the employer for hospital service shall be the amount it actually costs the hospital to render the service, as determined by the commissioner.... **All disputes concerning liability for hospital services in workers' compensation cases shall be settled by the commissioner in accordance with this chapter.**" Emphasis added. General Statutes § 31-394d (d). See also *Veterans Memorial Medical Center v. St. Paul Fire & Marine Insurance Company*, Superior Court, judicial district of New Haven, Docket No. CV 97 0256147 (May 7, 1997, Gaffney, J.). In accordance with the Workers' Compensation Commission's Payor and Medical Provider Guidelines, the petitioners may request a hearing before a Workers' Compensation Commissioner to resolve any disputes regarding the payment of medical bills. *Payer and Medical Provider Guidelines to Improve the Coordination of Medical Services*, State of Connecticut Workers' Compensation Commission, July 1, 2010, p. 9. See also *Cookson & VMMC v. G.R. Cummings Company*, 1796 CRB-1-93-7 (1995).

**Order**

The Request for a Ruling filed by petitioners is hereby DENIED pursuant to General Statutes § 4-176 (e)(5).

  
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Lisa A. Davis, MBA, BSN, RN  
Deputy Commissioner  
RWJ Executive Nurse Fellow Alumni

  
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Date

