



General Assembly
February Session, 2006

Raised Bill No. 548
LCO No. 2568



Referred to Committee on

Introduced by: JUDICIARY
(JUD)

**AN ACT CONCERNING THE AWARD OF WORKERS'
COMPENSATION FOR SCARRING AND DISFIGUREMENT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 31-308 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2006*):

4 (c) In addition to compensation for total or partial incapacity or for a
5 specific loss of a member or use of the function of a member of the
6 body, the commissioner, not earlier than one year from the date of the
7 injury and not later than two years from the date of the injury or the
8 surgery date of the injury, may award compensation equal to seventy-
9 five per cent of the average weekly earnings of the injured employee,
10 calculated pursuant to section 31-310, as amended, after such earnings
11 have been reduced by any deduction for federal or state taxes, or both,
12 and for the federal Insurance Contributions Act made from such
13 employee's total wages received during the period of calculation of the
14 employee's average weekly wage pursuant to [said] section 31-310, as
15 amended, but not more than one hundred per cent, raised to the next
16 even dollar, of the average weekly earnings of production and related

17 workers in manufacturing in the state, as determined in accordance
 18 with the provisions of section 31-309, for up to two hundred eight
 19 weeks, for any permanent significant disfigurement of, or permanent
 20 significant scar on, [(A) the face, head or neck, or (B) on any other area
 21 of the body which handicaps the employee in obtaining or continuing
 22 to work. The commissioner may not award compensation under this
 23 subsection when the disfigurement was caused solely by the loss of or
 24 the loss of use of a member of the body for which compensation is
 25 provided under subsection (b) of this section or for any scar resulting
 26 from an inguinal hernia operation or any spinal surgery] any area of
 27 the body. In making any award under this subsection, the
 28 commissioner shall consider (1) the location of the scar or
 29 disfigurement, (2) the size of the scar or disfigurement, (3) the visibility
 30 of the scar or disfigurement due to hyperpigmentation or
 31 depigmentation, whether hypertrophic or keloidal, (4) whether the
 32 scar or disfigurement causes a tonal or textural skin change, causes
 33 loss of symmetry of the affected area or results in noticeable bumps or
 34 depressions in the affected area, and (5) other relevant factors.
 35 [Notwithstanding the provisions of this subsection, no compensation
 36 shall be awarded for any scar or disfigurement which is not located on
 37 (A) the face, head or neck, or (B) any other area of the body which
 38 handicaps the employee in obtaining or continuing to work.] In
 39 addition to the requirements contained in section 31-297, the
 40 commissioner shall provide written notice to the employer or the
 41 employer's representative prior to any hearing held by the
 42 commissioner to consider an award for any scar or disfigurement
 43 under this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	31-308(c)

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Statement of Purpose:

To allow workers' compensation commissioners greater flexibility in awarding additional workers' compensation benefits for permanent, significant disfigurements or scars on any area of the body.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]