

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

DRAFT
10.5.09

BILL 1

LLS NO. 10-0206.01 Kristen Forrester

INTERIM COMMITTEE BILL

Interim Committee to Study Issues Related to Pinnacol Assurance

SHORT TITLE: "Workers' Compensation Accountability"

A BILL FOR AN ACT

101 CONCERNING ACCOUNTABILITY FOR WORKERS' COMPENSATION
102 INSURERS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee to Study Issues Related to Pinnacol Assurance. Requires workers' compensation insurers to survey injured workers at the close of each claim. Requires the insurers to report the result of the surveys to the division of workers' compensation (division) in the department of labor and employment. Requires the division to post the survey results on the division's web site.

Requires the chief executive officer of Pinnacol Assurance to submit an annual report to the governor and committees of the general assembly reporting on the business operations, resources, and liabilities

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

of the Pinnacol Assurance fund.

Requires the division to post on the division's web site the procedure for an injured worker to follow to file a complaint with the division regarding any issue over which the director or his or her designee has authority to pursue, settle, or enforce.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part 2 of article 43 of title 8, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **8-43-220. Injured worker exit survey.** (1) UPON CLOSURE OF
6 A CLAIM, EACH INSURER SHALL SURVEY THE CLAIMANT REGARDING THE
7 CLAIMANT'S SATISFACTION WITH THE INSURER. THE SURVEY SHALL BE
8 CONDUCTED IN A FORM AND MANNER AS PRESCRIBED BY THE DIRECTOR.
9 THE SURVEY SHALL INCLUDE QUESTIONS REGARDING COURTESY,
10 PROMPTNESS OF MEDICAL CARE, PROMPTNESS OF HANDLING THE CLAIM,
11 PROMPTNESS OF RESOLVING THE CLAIM, AND OVERALL SATISFACTION
12 WITH THE EXPERIENCE WITH THE INSURER.

13 (2) THE INSURER SHALL REPORT THE SURVEY RESULTS ANNUALLY
14 TO THE DIVISION. THE DIRECTOR SHALL POST THE RESULTS OF THE
15 SURVEYS ON THE DIVISION'S WEB SITE.

16 **SECTION 2.** 8-45-122, Colorado Revised Statutes, is
17 RECREATED AND REENACTED, WITH AMENDMENTS, to read:

18 **8-45-122. Annual report.** (1) THE CHIEF EXECUTIVE OFFICER OF
19 PINNACOL ASSURANCE SHALL SUBMIT AN ANNUAL REPORT TO THE
20 GOVERNOR; THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE
21 OF REPRESENTATIVES; THE BUSINESS, LABOR AND TECHNOLOGY
22 COMMITTEE OF THE SENATE; AND THE HEALTH AND HUMAN SERVICES
23 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR

1 THEIR SUCCESSOR COMMITTEES, REPORTING ON THE BUSINESS
2 OPERATIONS, RESOURCES, AND LIABILITIES OF THE PINNACOL ASSURANCE
3 FUND.

4 (2) THE REPORT REQUIRED IN SUBSECTION (1) OF THIS SECTION
5 SHALL INCLUDE THE FOLLOWING INFORMATION FOR THE PREVIOUS
6 CALENDAR YEAR:

7 (a) THE NUMBER OF POLICIES HELD BY PINNACOL ASSURANCE;

8 (b) THE TOTAL ASSETS OF PINNACOL ASSURANCE;

9 (c) THE AMOUNT OF RESERVES;

10 (d) THE AMOUNT OF SURPLUS;

11 (e) THE NUMBER OF CLAIMS FILED;

12 (f) THE NUMBER OF CLAIMS ADMITTED OR CONTESTED WITHIN THE
13 TWENTY-DAY PERIOD PURSUANT TO SECTION 8-43-203, SPECIFYING THE
14 NUMBER OF CONTESTED CLAIMS THAT ARE MEDICAL ONLY AND THOSE
15 THAT ARE INDEMNITY CLAIMS;

16 (g) THE NUMBER OF MEDICAL PROCEDURES DENIED;

17 (h) THE AMOUNT OF TOTAL COMPENSATION EACH EXECUTIVE
18 OFFICER OR STAFF MEMBER RECEIVES, INCLUDING BONUSES OR DEFERRED
19 COMPENSATION;

20 (i) THE AMOUNT SPENT ON COMMISSIONS;

21 (j) THE AMOUNT PAID TO TRADE ASSOCIATIONS FOR MARKETING
22 FEES;

23 (k) ALL INFORMATION RELATING TO BONUS PROGRAMS; AND

24 (l) ANY OTHER INFORMATION THE CHIEF EXECUTIVE OFFICER
25 DEEMS RELEVANT TO THE REPORT.

26 **SECTION 3.** Part 1 of article 47 of title 8, Colorado Revised
27 Statutes, is amended BY THE ADDITION OF A NEW SECTION to

1 read:

2 **8-47-112. Division web site - procedures to file complaints.**

3 THE DIRECTOR SHALL CLEARLY POST ON THE DIVISION'S WEB SITE THE
4 PROCEDURE FOR AN INJURED WORKER TO FOLLOW TO FILE A COMPLAINT
5 WITH THE DIVISION REGARDING ANY ISSUE OVER WHICH THE DIRECTOR OR
6 HIS OR HER DESIGNEE HAS AUTHORITY TO PURSUE, SETTLE, OR ENFORCE
7 PURSUANT TO ARTICLES 40 TO 47 OF THIS TITLE.

8 **SECTION 4. Effective date.** This act shall take effect July 1,
9 2010.

10 **SECTION 5. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.