

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

DRAFT
10.7.09

BILL 5

LLS NO. 10-0210.01 Kristen Forrestal

INTERIM COMMITTEE BILL

Interim Committee to Study Issues Related to Pinnacol Assurance

SHORT TITLE: "Create Injured Worker Advocate Office"

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE INJURED WORKER ADVOCATE**
102 **OFFICE WITHIN THE DEPARTMENT OF LABOR AND EMPLOYMENT.**

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. In order to assist injured workers with the procedures and laws of the workers' compensation system, this bill creates the injured worker advocate office within the department of labor and employment. When an injured worker submits a claim, this bill will require insurers to provide the worker with contact information for the injured worker advocate office. The injured worker advocate cash fund is created to cover costs of the injured worker advocate office and workers'

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

compensation insurers are required to pay a fee for the fund when they file rates with the commissioner of insurance.

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

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

5 **8-43-105. Injured worker advocate office - creation - powers,**
6 **duties, functions - fees.** (1) THERE IS HEREBY CREATED THE INJURED
7 WORKER ADVOCATE OFFICE IN THE DEPARTMENT OF LABOR AND
8 EMPLOYMENT, REFERRED TO IN THIS SECTION AS THE "OFFICE". PURSUANT
9 TO SECTION 13 OF ARTICLE XII OF THE STATE CONSTITUTION, THE
10 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT
11 SHALL APPOINT THE DIRECTOR OF THE OFFICE, AND THE DIRECTOR SHALL
12 APPOINT SUCH EMPLOYEES AS ARE NECESSARY TO CARRY OUT THE DUTIES
13 AND EXERCISE THE POWERS CONFERRED BY LAW UPON THE OFFICE AND
14 THE DIRECTOR.

15 (2) (a) UPON REQUEST OF AN INJURED WORKER WHO HAS FILED A
16 WORKERS' COMPENSATION CLAIM, THE OFFICE SHALL ASSIST THE INJURED
17 WORKER WITH THE WORKERS' COMPENSATION SYSTEM, THE LAWS AND
18 PROCEDURES NECESSARY TO PROCESS AND RESOLVE THE CLAIM, AND THE
19 INJURED WORKER'S RIGHTS UNDER THE WORKERS' COMPENSATION CLAIMS
20 PROCESS. THE OFFICE SHALL BE AVAILABLE TO INJURED WORKERS
21 THROUGHOUT THE STATE AND SHALL ESTABLISH AN ADVOCATE SUPPORT
22 TELEPHONE NUMBER THAT AN INJURED WORKER MAY CALL TO RECEIVE
23 INFORMATION FROM A LIVE PERSON DURING REGULAR BUSINESS HOURS
24 REGARDING THE WORKERS' COMPENSATION CLAIMS PROCESS.

25 (b) UPON NOTICE TO THE INSURER OF AN INJURY PURSUANT TO

1 SECTION 8-43-103, EACH WORKERS' COMPENSATION INSURER SHALL
2 PROVIDE THE INJURED WORKER WITH CONTACT INFORMATION FOR THE
3 OFFICE.

4 (3) WHEN A WORKERS' COMPENSATION INSURER SUBMITS A RATE
5 FILING TO THE COMMISSIONER OF INSURANCE PURSUANT TO SECTION
6 10-4-405, C.R.S., THE INSURER SHALL PAY A FEE AS DETERMINED BY RULE
7 OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND
8 EMPLOYMENT. THE STATE TREASURER SHALL CREDIT THE FEE TO THE
9 INJURED WORKER ADVOCATE CASH FUND CREATED IN SECTION 8-43-106.

10 **8-43-106. Injured worker advocate cash fund.** THERE IS
11 HEREBY CREATED IN THE STATE TREASURY THE INJURED WORKER
12 ADVOCATE CASH FUND. MONEYS IN THE FUND SHALL BE SUBJECT TO
13 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND
14 INDIRECT COSTS OF THE INJURED WORKER ADVOCATE OFFICE CREATED IN
15 SECTION 8-43-105. ANY INTEREST EARNED ON THE INVESTMENT OR
16 DEPOSIT OF MONEYS IN THE FUND SHALL NOT REVERT TO THE GENERAL
17 FUND AT THE END OF ANY FISCAL YEAR.

18 **SECTION 2.** 24-1-121 (3), Colorado Revised Statutes, is
19 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

20 **24-1-121. Department of labor and employment - creation.**

21 (3) The department of labor and employment shall consist of the
22 following divisions:

23 (g) THE INJURED WORKER ADVOCATE OFFICE, CREATED BY
24 SECTION 8-43-105, C.R.S., WHICH SHALL EXERCISE ITS POWERS AND
25 PERFORM ITS DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF LABOR
26 AND EMPLOYMENT AS IF THE SAME WERE TRANSFERRED TO THE
27 DEPARTMENT BY A TYPE 2 TRANSFER.

1 **SECTION 3. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety. <{Does the
4 committee want a safety clause?}>