

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 07-0391.01 Thomas Morris

SENATE BILL 07-038

SENATE SPONSORSHIP

Renfroe,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health and Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE SUSPENSION OF PAYMENT OF TEMPORARY
102 DISABILITY BENEFITS DUE TO AN EMPLOYEE'S FAILURE TO
103 ATTEND A MEDICAL APPOINTMENT.

Bill Summary

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

Specifies that if an employee fails to appear at a rescheduled medical appointment for purposes of determining workers' compensation disability, the insurer or self-insured employer may, without a prior hearing, suspend payment of temporary disability benefits to the employee until the employee appears at a subsequent rescheduled appointment.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** The introductory portion to 8-42-106 (2), Colorado
3 Revised Statutes, is amended, and the said 8-42-106 is further amended
4 BY THE ADDITION OF A NEW SUBSECTION, to read:

5 **8-42-106. Temporary partial disability.** (2) EXCEPT AS
6 SPECIFIED IN SUBSECTION (3) OF THIS SECTION, temporary partial disability
7 payments shall continue until the first occurrence of either one of the
8 following:

9 (3) IF AN EMPLOYEE FAILS TO APPEAR AT AN APPOINTMENT WITH
10 THE EMPLOYEE'S ATTENDING PHYSICIAN, THE INSURER OR SELF-INSURED
11 EMPLOYER SHALL NOTIFY THE EMPLOYEE BY CERTIFIED MAIL THAT
12 TEMPORARY DISABILITY BENEFITS MAY BE SUSPENDED AFTER THE
13 EMPLOYEE FAILS TO APPEAR AT A RESCHEDULED APPOINTMENT. IF THE
14 EMPLOYEE FAILS TO APPEAR AT A RESCHEDULED APPOINTMENT, THE
15 INSURER OR SELF-INSURED EMPLOYER MAY, WITHOUT A PRIOR HEARING,
16 SUSPEND PAYMENT OF TEMPORARY DISABILITY BENEFITS TO THE
17 EMPLOYEE UNTIL THE EMPLOYEE APPEARS AT A SUBSEQUENT
18 RESCHEDULED APPOINTMENT.

19 **SECTION 2. Effective date - applicability.** (1) This act shall
20 take effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly that is
22 allowed for submitting a referendum petition pursuant to article V,
23 section 1 (3) of the state constitution, (August 8, 2007, if adjournment
24 sine die is on May 9, 2007); except that, if a referendum petition is filed
25 against this act or an item, section, or part of this act within such period,
26 then the act, item, section, or part, if approved by the people, shall take

1 effect on the date of the official declaration of the vote thereon by
2 proclamation of the governor.

3 (2) The provisions of this act shall apply to the payment of
4 temporary disability benefits occurring on or after the applicable effective
5 date of this act.