

**Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0213.01 Jerry Barry

**HOUSE BILL 10-1038**

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**HOUSE SPONSORSHIP**

**Miklosi,** Pace, Ryden

**SENATE SPONSORSHIP**

**Carroll M.,** Hodge, Tochtrop

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**House Committees**

Business Affairs and Labor  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING A BROCHURE TO DESCRIBE THE PROCESS FOR WORKERS'**  
102             **COMPENSATION CLAIMS, AND MAKING ADJUSTMENTS TO**  
103             **APPROPRIATIONS IN CONNECTION THEREWITH.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Interim Committee to Study Issues Related to Pinnacol Assurance.** The bill requires the employer or the employer's insurance carrier to provide a brochure to a workers' compensation claimant, in a form approved by the director of the division of workers' compensation,

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.

that describes the entities the claimant may contact for information, the claimant's rights related to his or her medical treatment and rights to receive benefit payments, and the claims process.

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

**SECTION 1.** 8-43-203, Colorado Revised Statutes, is amended  
BY THE ADDITION OF A NEW SUBSECTION to read:

**8-43-203. Notice concerning liability - notice to claimants - notice of rights and claims process - rules.** (3) IN ADDITION TO ANY OTHER NOTICE REQUIRED BY THIS SECTION, AT THE TIME THAT THE EMPLOYER OR, IF INSURED, THE EMPLOYER'S INSURANCE CARRIER PROVIDES THE NOTICE REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE EMPLOYER OR INSURANCE CARRIER SHALL PROVIDE TO THE CLAIMANT A BROCHURE WRITTEN IN EASILY UNDERSTOOD LANGUAGE, IN A FORM DEVELOPED BY THE DIRECTOR AFTER CONSULTATION WITH EMPLOYERS, INSURANCE CARRIERS, AND REPRESENTATIVES OF INJURED WORKERS, DESCRIBING THE CLAIMS PROCESS AND INFORMING THE CLAIMANT OF HIS OR HER RIGHTS. IF THE CLAIMANT HAS PREVIOUSLY AUTHORIZED THE EMPLOYER OR, IF INSURED, THE EMPLOYER'S INSURANCE CARRIER TO COMMUNICATE WITH THE CLAIMANT THROUGH ELECTRONIC TRANSMISSION, THE BROCHURE MAY BE SENT TO THE CLAIMANT ELECTRONICALLY. THE BROCHURE SHALL, AT A MINIMUM, CONTAIN THE FOLLOWING INFORMATION:

(a) WHO THE CLAIMANT MAY CONTACT WITH QUESTIONS CONCERNING THE CLAIM, THE CLAIM'S PROCESS, AND ASSISTANCE WITH THE CLAIM, INCLUDING:

- (I) THE INSURANCE CARRIER OR EMPLOYER;
- (II) THE DIVISION AND THE WEB SITE FOR THE DIVISION;

1           (III) THE OFFICE OF ADMINISTRATIVE COURTS AND THE WEB SITE  
2       FOR THE OFFICE; AND

3           (IV) AN ATTORNEY HIRED AT THE EXPENSE OF THE CLAIMANT.

4           (b) THE CLAIMANT'S RIGHT TO RECEIVE MEDICAL CARE FOR WORK  
5       RELATED INJURIES OR OCCUPATIONAL DISEASES PAID FOR BY THE  
6       EMPLOYER OR THE EMPLOYER'S INSURANCE CARRIER INCLUDING:

7           (I) THAT MOST CLAIMANTS HAVE A RIGHT TO CHOOSE FROM A LIST  
8       OF AT LEAST TWO DIFFERENT DOCTORS;

9           (II) THAT MOST CLAIMANTS HAVE A RIGHT TO CHANGE DOCTORS  
10      ONE TIME WITHIN NINETY DAYS AFTER THE INJURY AND ALL CLAIMANTS  
11      HAVE THE RIGHT TO REQUEST A CHANGE OF DOCTOR AT OTHER TIMES  
12      UNDER CERTAIN OTHER CIRCUMSTANCES;

13          (III) THE CLAIMANT'S DOCTOR'S RIGHT TO REFER THE CLAIMANT  
14      TO OTHER MEDICAL PROVIDERS AND SPECIALISTS TO PROVIDE THE  
15      REASONABLE AND NECESSARY MEDICAL CARE THAT THE CLAIMANT'S  
16      WORK-RELATED INJURIES OR ILLNESS REQUIRE;

17          (IV) THE CLAIMANT'S RIGHT TO DISCUSS WITH HIS OR HER DOCTOR  
18      WHO SHOULD BE PRESENT DURING A CLAIMANT'S MEDICAL APPOINTMENT,  
19      AND THE RIGHT TO REFUSE TO HAVE A NURSE CASE MANAGER EMPLOYED  
20      ON THE CLAIMANT'S CLAIM PRESENT AT THE CLAIMANT'S MEDICAL  
21      APPOINTMENT;

22          (V) THE CLAIMANT'S RIGHT TO SEE AND HAVE COPIES OF ALL OF  
23      THE CLAIMANT'S MEDICAL RECORDS RELATED TO THE MEDICAL CARE THE  
24      CLAIMANT RECEIVED FOR HIS OR HER WORK-RELATED INJURY OR ILLNESS;

25          (VI) THE CLAIMANT'S RIGHT TO SEEK MEDICAL CARE AND MEDICAL  
26      OPINIONS ABOUT THE CLAIMANT'S WORK-RELATED INJURY AT THE  
27      CLAIMANT'S OWN EXPENSE; AND

1 (VII) THE CLAIMANT'S RIGHT TO A MEDICAL EXAMINATION BY A  
2 DOCTOR CHOSEN BY THE CLAIMANT OR BY THE DIVISION AT THE  
3 CLAIMANT'S EXPENSE;

4 (VIII) THE CLAIMANT'S RIGHT TO A PERMANENT IMPAIRMENT  
5 EVALUATION AFTER THE CLAIMANT'S TREATING DOCTORS DETERMINE  
6 THAT THE CLAIMANT HAS REACHED MAXIMUM MEDICAL IMPROVEMENT;  
7 AND

8 (IX) THE CLAIMANT'S RIGHT TO BE INFORMED WHETHER MEDICAL  
9 CARE AFTER MAXIMUM MEDICAL IMPROVEMENT WILL BE PROVIDED AND  
10 TO RECEIVE REASONABLE CONTINUED MEDICAL CARE IF IT IS NECESSARY  
11 TO MAINTAIN MAXIMUM MEDICAL IMPROVEMENT.

12 (c) A DESCRIPTION OF THE CLAIMANT'S RIGHT TO RECEIVE BENEFIT  
13 PAYMENTS, INCLUDING THE CLAIMANT'S RIGHT TO RECEIVE:

14 (I) WAGE REPLACEMENT PAYMENTS IN THE FORM OF TEMPORARY  
15 TOTAL DISABILITY PAYMENTS OR TEMPORARY PARTIAL DISABILITY  
16 PAYMENTS;

17 (II) PERMANENT IMPAIRMENT BENEFITS IF THE CLAIMANT IS LEFT  
18 WITH A PERMANENT IMPAIRMENT AS A RESULT OF A WORK-RELATED  
19 INJURY OR DISEASE;

20 (III) DISFIGUREMENT PAYMENTS FOR PERMANENT SCARRING OR  
21 DISFIGUREMENT CAUSED BY THE CLAIMANT'S WORK-RELATED INJURY OR  
22 SURGERY REQUIRED BECAUSE OF THE CLAIMANT'S WORK-RELATED INJURY;  
23 AND

24 (IV) MILEAGE EXPENSES FOR TRAVEL TO AND FROM  
25 WORK-RELATED MEDICAL CARE AND TO AND FROM PHARMACIES TO  
26 OBTAIN MEDICAL PRESCRIPTIONS FOR WORK-RELATED MEDICAL CARE.

27 (d) A DESCRIPTION OF HOW THE CLAIMS PROCESS WORKS,

1 INCLUDING:

2 (I) THE CLAIMANT'S RIGHT TO FILE A CLAIM FOR WORKERS'  
3 COMPENSATION WITH THE DIVISION WITHIN TWO YEARS AFTER THE DATE  
4 OF THE CLAIMANT'S INJURY OR OCCUPATIONAL DISEASE;

5 (II) THE CLAIMANT'S RIGHT TO RECEIVE A GENERAL ADMISSION OF  
6 LIABILITY OR NOTICE OF CONTEST ONCE THE CLAIM HAS BEEN PROPERLY  
7 REPORTED TO THE DIVISION;

8 (III) THE CLAIMANT'S RIGHT TO VERIFY THAT THE CLAIMANT'S  
9 AVERAGE WEEKLY WAGE PAYMENTS FOR TEMPORARY TOTAL DISABILITY  
10 HAVE BEEN PROPERLY CALCULATED BY THE CLAIMANT'S EMPLOYER OR  
11 THE EMPLOYER'S INSURANCE CARRIER;

12 (IV) THE CLAIMANT'S RIGHT TO PREHEARINGS AND HEARINGS ON  
13 DISPUTED ISSUES;

14 (V) THE CLAIMANT'S RIGHT TO PRESENT EVIDENCE, TESTIFY,  
15 INTRODUCE MEDICAL AND OTHER RECORDS, PRESENT WITNESSES, AND  
16 MAKE ARGUMENTS AT ANY HEARING;

17 (VI) THE CLAIMANT'S RIGHT TO OBJECT TO AND REQUEST A  
18 HEARING ON ANY FINAL ADMISSION OF LIABILITY WITHIN THIRTY DAYS  
19 AFTER THE MAILING OF THE ADMISSION IN ORDER TO RETAIN CERTAIN  
20 RIGHTS;

21 (VII) THE CLAIMANT'S RIGHT TO CHALLENGE A FINDING OF AN  
22 IMPAIRMENT RATING OR MAXIMUM MEDICAL IMPROVEMENT IN A FINAL  
23 ADMISSION OF LIABILITY WITHIN THIRTY DAYS AFTER THE MAILING OF THE  
24 ADMISSION IN ORDER TO RETAIN CERTAIN RIGHTS;

25 (VIII) THE CLAIMANT'S RIGHT TO PURSUE PENALTIES FOR  
26 VIOLATIONS OF THE LAW INCLUDING LATE PAYMENT OF BENEFITS OR  
27 IMPROPER REFUSAL TO PAY BENEFITS;

1           (IX) THE CLAIMANT'S RIGHT, SUBJECT TO CERTAIN REQUIREMENTS,  
2       TO REOPEN A CLAIM WITHIN SIX YEARS AFTER THE DATE OF THE INJURY OR  
3       ILLNESS OR WITHIN TWO YEARS AFTER THE DATE OF THE LAST RECEIPT OF  
4       MEDICAL OR WAGE BENEFITS; AND

5           (X) A DESCRIPTION OF OTHER RIGHTS CONFERRED UPON A  
6       CLAIMANT PURSUANT TO LAW OR RULE.

7           **SECTION 2. Appropriations in 2010 long bill to be adjusted.**

8       For the implementation of this act, appropriations made in the annual  
9       general appropriation act for the fiscal year beginning July 1, 2010, to the  
10      department of employment and training, division of workers'  
11      compensation, are decreased by eighteen thousand dollars (\$18,000) cash  
12      funds. Said sum shall be from the workers' compensation cash fund  
13      created in section 8-44-112 (7) (a), Colorado Revised Statutes.

14          **SECTION 3. Safety clause.** The general assembly hereby finds,  
15      determines, and declares that this act is necessary for the immediate  
16      preservation of the public peace, health, and safety.