

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 10-0206.01 Kristen Forrestal

SENATE BILL 10-013

SENATE SPONSORSHIP

Hodge, Carroll M., Tochtrop

HOUSE SPONSORSHIP

Ryden, Miklosi, Pace

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING ACCOUNTABILITY FOR WORKERS' COMPENSATION**
102 **INSURERS, AND MAKING AN APPROPRIATION THEREFOR.**

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. Section 1 of the bill requires workers' compensation insurers to survey a limited number of injured workers at the close of each claim. **Section 1** also requires the insurers to report the results of the surveys to the division of workers' compensation (division) in the department of

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.*

SENATE
Amended 2nd Reading
April 26, 2010

labor and employment, and requires the division to post the survey results on the division's web site. Finally, **section 1** prohibits an employer or insurer from taking disciplinary action or otherwise retaliating against an injured worker or his or her dependents for completing a survey.

Section 2 of the bill 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 of the Pinnacol Assurance fund.

Section 3 of the bill 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 OR, IF DECEASED,
7 THE DECEDENT'S DEPENDENTS REGARDING THE CLAIMANT'S SATISFACTION
8 WITH THE INSURER FOR CLAIMS THAT ARE REPORTED TO THE DIVISION
9 PURSUANT TO SECTION 8-43-203. THE SURVEY SHALL BE CONDUCTED IN
10 A FORM AND MANNER AS PRESCRIBED BY THE DIRECTOR. THE SURVEY
11 SHALL INCLUDE QUESTIONS REGARDING COURTESY, PROMPTNESS OF
12 MEDICAL CARE, PROMPTNESS OF HANDLING THE CLAIM, PROMPTNESS OF
13 RESOLVING THE CLAIM, AND OVERALL SATISFACTION WITH THE
14 EXPERIENCE WITH THE INSURER. AN EMPLOYER OR AN INSURER SHALL
15 NOT TAKE DISCIPLINARY ACTION OR OTHERWISE RETALIATE AGAINST A
16 CLAIMANT OR HIS OR HER DEPENDENTS FOR COMPLETING THE SURVEY.

17 (2) THE INSURER SHALL REPORT THE SURVEY RESULTS ANNUALLY
18 TO THE DIVISION. THE DIRECTOR SHALL POST THE RESULTS OF THE
19 SURVEYS ON THE DIVISION'S WEB SITE.

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

3 **8-45-122. Annual report.** (1) THE CHIEF EXECUTIVE OFFICER OF
4 PINNACOL ASSURANCE SHALL SUBMIT AN ANNUAL REPORT TO THE
5 GOVERNOR; THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE
6 OF REPRESENTATIVES; THE BUSINESS, LABOR AND TECHNOLOGY
7 COMMITTEE OF THE SENATE; AND THE HEALTH AND HUMAN SERVICES
8 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR
9 THEIR SUCCESSOR COMMITTEES, REPORTING ON THE BUSINESS
10 OPERATIONS, RESOURCES, AND LIABILITIES OF THE PINNACOL ASSURANCE
11 FUND.

12 (2) THE REPORT REQUIRED IN SUBSECTION (1) OF THIS SECTION
13 SHALL INCLUDE THE FOLLOWING INFORMATION FOR THE PREVIOUS
14 CALENDAR YEAR:

- 15 (a) THE NUMBER OF POLICIES HELD BY PINNACOL ASSURANCE;
- 16 (b) THE TOTAL ASSETS OF PINNACOL ASSURANCE;
- 17 (c) THE AMOUNT OF RESERVES;
- 18 (d) THE AMOUNT OF SURPLUS;
- 19 (e) THE NUMBER OF CLAIMS FILED;
- 20 (f) THE NUMBER OF CLAIMS ADMITTED OR CONTESTED WITHIN THE
21 TWENTY-DAY PERIOD PURSUANT TO SECTION 8-43-203, SPECIFYING THE
22 NUMBER OF CONTESTED CLAIMS THAT ARE MEDICAL ONLY AND THOSE
23 THAT ARE INDEMNITY CLAIMS;
- 24 (g) THE NUMBER OF MEDICAL PROCEDURES DENIED;
- 25 (h) THE AMOUNT OF TOTAL COMPENSATION EACH EXECUTIVE
26 OFFICER OR STAFF MEMBER RECEIVES, INCLUDING BONUSES OR DEFERRED
27 COMPENSATION;

- 1 (i) THE AMOUNT SPENT ON COMMISSIONS;
2 (j) THE AMOUNT PAID TO TRADE ASSOCIATIONS FOR MARKETING
3 FEES;
4 (k) ALL INFORMATION RELATING TO BONUS PROGRAMS; AND
5 (l) ANY OTHER INFORMATION THE CHIEF EXECUTIVE OFFICER
6 DEEMS RELEVANT TO THE REPORT.

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

10 **8-47-112. Division web site - procedures to file complaints.**

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

16 **SECTION 4. Appropriation.** In addition to any other
17 appropriation, there is hereby appropriated, out of any moneys in the
18 workers' compensation cash fund created in section 8-44-112 (7) (a),
19 Colorado Revised Statutes, not otherwise appropriated, to the department
20 of labor and employment, for allocation to the division of workers'
21 compensation, for the fiscal year beginning July 1, 2010, the sum of three
22 thousand seven hundred fifty-six dollars (\$3,756) cash funds and 0.1
23 FTE, or so much thereof as may be necessary, for the implementation of
24 this act.

25 **SECTION 5. Effective date.** This act shall take effect July 1,
26 2010.

27 **SECTION 6. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.