

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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

Business Affairs and Labor

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.*

HOUSE
3rd Reading Unamended
May 10, 2010

HOUSE
Amended 2nd Reading
May 7, 2010

SENATE
3rd Reading Unamended
April 27, 2010

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 8-43-101. THE SURVEY SHALL BE CONDUCTED IN
10 A FORM AND MANNER AS PRESCRIBED BY THE DIRECTOR. THE DIRECTOR
11 SHALL DEVELOP THE FORM AND MANNER OF THE SURVEY WITH INPUT
12 FROM INSURERS THAT PROVIDE WORKERS' COMPENSATION POLICIES
13 PURSUANT TO ARTICLES 40 THROUGH 55 OF THIS TITLE, AND WITH THE
14 LEAST ADMINISTRATIVE BURDEN AS POSSIBLE. THE SURVEY SHALL
15 INCLUDE QUESTIONS REGARDING COURTESY, PROMPTNESS OF MEDICAL
16 CARE, PROMPTNESS OF HANDLING THE CLAIM, PROMPTNESS OF RESOLVING
17 THE CLAIM, AND OVERALL SATISFACTION WITH THE EXPERIENCE WITH THE
18 INSURER. AN EMPLOYER OR AN INSURER SHALL NOT TAKE DISCIPLINARY
19 ACTION OR OTHERWISE RETALIATE AGAINST A CLAIMANT OR HIS OR HER

1 DEPENDENTS FOR COMPLETING THE SURVEY.

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

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

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

16 (2) THE REPORT REQUIRED IN SUBSECTION (1) OF THIS SECTION
17 SHALL INCLUDE THE FOLLOWING INFORMATION FOR THE PREVIOUS
18 CALENDAR YEAR:

- 19 (a) THE NUMBER OF POLICIES HELD BY PINNACOL ASSURANCE;
- 20 (b) THE TOTAL ASSETS OF PINNACOL ASSURANCE;
- 21 (c) THE AMOUNT OF RESERVES;
- 22 (d) THE AMOUNT OF SURPLUS;
- 23 (e) THE NUMBER OF CLAIMS FILED;
- 24 (f) THE NUMBER OF CLAIMS ADMITTED OR CONTESTED WITHIN THE
25 TWENTY-DAY PERIOD PURSUANT TO SECTION 8-43-203, SPECIFYING THE
26 NUMBER OF CONTESTED CLAIMS THAT ARE MEDICAL ONLY AND THOSE
27 THAT ARE INDEMNITY CLAIMS;

- 1 (g) THE NUMBER OF MEDICAL PROCEDURES DENIED;
- 2 (h) THE AMOUNT OF TOTAL COMPENSATION EACH EXECUTIVE
3 OFFICER OR STAFF MEMBER RECEIVES, INCLUDING BONUSES OR DEFERRED
4 COMPENSATION;
- 5 (i) THE AMOUNT SPENT ON COMMISSIONS;
- 6 (j) THE AMOUNT PAID TO TRADE ASSOCIATIONS FOR MARKETING
7 FEES;
- 8 (k) ALL INFORMATION RELATING TO BONUS PROGRAMS; AND
- 9 (l) ANY OTHER INFORMATION THE CHIEF EXECUTIVE OFFICER
10 DEEMS RELEVANT TO THE REPORT.

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

14 **8-47-112. Division web site - procedures to file complaints.**
15 THE DIRECTOR SHALL CLEARLY POST ON THE DIVISION'S WEB SITE THE
16 PROCEDURE FOR AN INJURED WORKER TO FOLLOW TO FILE A COMPLAINT
17 WITH THE DIVISION REGARDING ANY ISSUE OVER WHICH THE DIRECTOR OR
18 HIS OR HER DESIGNEE HAS AUTHORITY TO PURSUE, SETTLE, OR ENFORCE
19 PURSUANT TO ARTICLES 40 TO 47 OF THIS TITLE.

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

1 this act.

2 **SECTION 5. Effective date.** This act shall take effect July 1,
3 2010.

4 **SECTION 6. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.