

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0833.01 Kristen Forrestal x4217

SENATE BILL 13-249

SENATE SPONSORSHIP

Tochtrop,

HOUSE SPONSORSHIP

Williams,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING PROCEDURES REGARDING INDEPENDENT MEDICAL
102 EXAMINERS' REPORTS IN WORKERS' COMPENSATION CASES.

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>.)

The bill requires the division of workers' compensation (division) in the department of labor and employment to review an independent medical examiner's (IME) report within 5 days after its receipt and either issue a notice to all parties in the case that it has received the report or to notify the IME and all parties that there are deficiencies in the report. If

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.

the IME's report is deficient, the IME has 20 days to remedy the defects and resubmit the report. If the IME does not timely respond to the notice of deficiencies, the division shall issue a notice that it has received the IME's report and the insurer or self-insured employer shall file an admission of liability or request a hearing to contest the findings in the IME's report within 20 days.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-42-107.2, **amend**
3 (4) as follows:

4 **8-42-107.2. Selection of independent medical examiner -**
5 **procedure - time - disclosures regarding physician relationships with**
6 **insurers, self-insured employers, or claimants - rules - applicability.**

7 (4) (a) UPON RECEIPT OF THE IME'S REPORT, THE DIVISION HAS FIVE
8 BUSINESS DAYS TO REVIEW THE REPORT AND EITHER:

9 (I) ISSUE A NOTICE TO ALL PARTIES THAT THE DIVISION HAS
10 RECEIVED THE IME'S REPORT; OR

11 (II) NOTIFY THE IME OF ANY DEFICIENCIES IN THE REPORT BY
12 LETTER AND SEND COPIES TO ALL PARTIES.

13 (b) UPON NOTIFICATION OF ANY DEFICIENCIES IDENTIFIED IN THE
14 IME'S REPORT, THE IME HAS TWENTY DAYS TO REMEDY THE DEFICIENCIES
15 AND RESUBMIT THE REPORT. AFTER THE REPORT HAS BEEN RESUBMITTED,
16 THE DIVISION SHALL COMPLY WITH PARAGRAPH (a) OF THIS SUBSECTION
17 (4). IF THE IME FAILS TO TIMELY RESPOND TO THE NOTIFICATION OF
18 DEFICIENCIES, THE DIVISION SHALL ISSUE A NOTICE THAT IT HAS RECEIVED
19 THE IME'S REPORT AND THE INSURER SHALL COMPLY WITH PARAGRAPH (c)
20 OF THIS SUBSECTION (4).

21 (c) Within ~~thirty~~ TWENTY days after the date of the mailing of the
22 ~~IME's report~~ DIVISION'S NOTICE THAT IT HAS RECEIVED THE IME'S REPORT,

1 the insurer or self-insured employer shall either file its admission of
2 liability pursuant to section 8-43-203 or request a hearing before the
3 division contesting one or more of the IME's findings or determinations
4 contained in such report.

5 **SECTION 2.** In Colorado Revised Statutes, 8-43-203, **amend** (2)
6 (b) (II) (A) as follows:

7 **8-43-203. Notice concerning liability - notice to claimants -**
8 **notice of rights and claims process - rules.** (2) (b) (II) (A) An
9 admission of liability for final payment of compensation ~~shall~~ MUST
10 include a statement that this is the final admission by the workers'
11 compensation insurance carrier in the case, that the claimant may contest
12 this admission if the claimant feels entitled to more compensation, to
13 whom the claimant should provide written objection, and notice to the
14 claimant that the case will be automatically closed as to the issues
15 admitted in the final admission if the claimant does not, within thirty days
16 after the date of the final admission, contest the final admission in writing
17 and request a hearing on any disputed issues that are ripe for hearing,
18 including the selection of an independent medical examiner pursuant to
19 section 8-42-107.2 if an independent medical examination has not already
20 been conducted. If an independent medical examination is requested
21 pursuant to section 8-42-107.2, the claimant is not required to file a
22 request for hearing on disputed issues that are ripe for hearing until the
23 division's independent medical examination process is terminated for any
24 reason. Any issue for which a hearing or an application for a hearing is
25 pending at the time that the final admission of liability is filed shall
26 proceed to the hearing without the need for the applicant to refile an
27 application for hearing on the issue. This information ~~shall~~ MUST also be

1 included in the admission of liability for final payment of compensation.
2 The respondents ~~shall have thirty~~ TWENTY days after ~~the date of mailing~~
3 ~~of the report from the division's independent medical examiner~~ RECEIVING
4 THE NOTICE FROM THE DIVISION OF THE RECEIPT OF THE IME'S REPORT to
5 file a revised final admission or to file an application for hearing. The
6 claimant ~~shall have~~ HAS thirty days after the date respondents file the
7 ~~revised final~~ admission or application for hearing to file an application for
8 hearing, or a response to the respondents' application for hearing, as
9 applicable, on any disputed issues that are ripe for hearing. The revised
10 final admission, ~~shall~~ IF ANY, MUST contain the statement required by this
11 subparagraph (II), and the provisions relating to contesting the revised
12 final admission ~~shall~~ apply. When the final admission is predicated upon
13 medical reports, ~~such~~ THE reports ~~shall~~ MUST accompany the final
14 admission.

15 **SECTION 3. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2014 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.