

**FINAL
FISCAL NOTE**

Drafting Number: LLS 13-0833**Date:** June 27, 2013**Prime Sponsor(s):** Sen. Tochtrop
Rep. Williams**Bill Status:** Signed into Law**Fiscal Analyst:** Clare Pramuk (303-866-2677)

TITLE: CONCERNING PROCEDURES REGARDING INDEPENDENT MEDICAL EXAMINERS' REPORTS IN WORKERS' COMPENSATION CASES.

Summary of Legislation

This 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 of its receipt and either notify all parties that the report has been received or notify the IME of any deficiencies in the IME report with copies to all parties. The IME has 20 days to remedy the deficiencies and resubmit the IME report. If the IME does not meet the 20-day deadline, the division will issue a notice that it has received the IME report and the insurer or self-insured employer must either file an admission of liability or request a hearing to contest the findings in the IME report within 20 days after the notice mailing date. This response time is reduced from 30 days under current law. The bill was signed into law by the Governor on May 24, 2013, and takes effect August 7, 2013, assuming no referendum petition is filed.

Background

Under workers' compensation law, if either an injured worker or an insurer disputes a treating physician's determination of whether the worker has achieved maximum medical improvement or has a remaining impairment, either party may apply for an independent medical exam. IME's are appointed by the division and must meet certain qualifications. The results of the IME may be used to determine whether further treatment is required or the amount of benefits to be paid to the injured worker.

Assessment

The bill codifies current practice in the division for reviewing IME reports, so the bill is assessed as having no fiscal impact.

Departments Contacted

Labor and Employment