



# Legislative Council Staff

## Research Note

Version: Final

Date: 11/29/2016

### Bill Number

**Senate Bill 16-217**

### Sponsors

**Senator Hill**  
**Representative Williams**

### Short Title

***Expedite Litigation Workers'  
Compensation Claims***

### Research Analyst

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### Status

This research note reflects the final version of the bill, which was signed by the Governor and became effective on June 10, 2016.

### Summary

This bill establishes new requirements concerning the reduction of workers' compensation payments in cases that involve an admission of liability (known as safety rule violations) by an employer and propose to reduce the amount of compensation paid to a claimant.

***Reductions in workers compensation claims.*** Under the bill, any reduction in compensation must include a statement from the employer listing the specific facts on which the reduction is based. If the insurer or self-insured employer admits liability for the claim, any party may request an expedited hearing if the application is filed within 45 days. The director of the Colorado Department of Labor and Employment (CDLE) is required to schedule the hearing within 60 days of the date of the application. If the party does not request an expedited hearing, the hearing must be set according to provisions under current law. Under the bill, the time frame for conducting any expedited hearing is extended from 40 days to 60 days from the date of application and the bill permits a party to request an expedited hearing on the question of whether a compliant designated medical provider list was provided.

***Physician relationships.*** The bill allows the CDLE to provide a standardized form to be used by the injured employee to request that his or her personal physician or chiropractor provide treatment or to request a change of physician. If an injured employee is permitted to change physicians, the bill clarifies that the initial physician's relationship with the employee terminates once he or she visits the new physician. In addition, the initial physician's authorized work restrictions and return to work opinions control until such time that a new physician expressly modifies them.

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## Background

The Workers' Compensation Act of Colorado functions to protect employers from litigation resulting from claims of work-related injuries and illnesses while providing a mechanism to promptly provide employees with reasonable and necessary medical treatment and partial wage replacement while the employee recovers from a work-related injury or occupational disease. Hearings within the CDLE are conducted by administrative law judges who are under the auspices of the Department of Personnel and Administration.

## Senate Action

**Senate State Affairs Committee (May 6, 2016).** At the hearing, a representative from the Workers' Compensation Bar testified in support of the bill. The committee referred the bill to the Senate Committee of the Whole.

**Senate second reading (May 6, 2016).** The Senate passed the bill on second reading with no amendments.

**Senate third reading (May 9, 2016).** The Senate passed the bill on third reading with no amendments.

## House Action

**House Business Committee (May 10, 2016).** At the hearing, a representative from the Workers' Compensation Bar testified in support of the bill. Representatives from CDLE and the Colorado Division of Workers' Compensation answered questions on the bill. The committee referred the bill to the House Committee of the Whole.

**House second reading (May 10, 2016).** The House passed the bill on second reading with no amendments.

**House third reading (May 11, 2016).** The House passed the bill on third reading with no amendments.