

## CHAPTER 83

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**LABOR AND INDUSTRY**

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SENATE BILL 95-098

BY SENATORS Ament, Norton, Rizzuto, and Wattenberg;  
also REPRESENTATIVES Kaufman and George.**AN ACT****CONCERNING JUDICIAL REVIEW BY THE COURT OF APPEALS IN WORKERS' COMPENSATION CASES.***Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** 8-42-101 (3.6) (g), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:**8-42-101. Employer must furnish medical aid - approval of plan - fee schedule - contracting for treatment - no recovery from employee - medical treatment guidelines - accreditation of physicians - repeal.** (3.6) The director, with input from the commission, shall establish a two-tier accreditation system which shall be comprised of the following programs:

(g) The director shall, upon good cause shown, revoke the accreditation of any physician who violates the provisions of this subsection (3.6) or any rule ~~or regulation~~ promulgated by the director pursuant to this subsection (3.6), following a hearing on the merits before an administrative law judge, subject to review by the industrial claim appeals office and the court of appeals, ~~by petition for writ of certiorari~~, in accordance with all applicable provisions of article 43 of this title.

**SECTION 2.** 8-43-301 (10) and (11), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:**8-43-301. Petitions to review.** (10) The panel's order shall be mailed to all parties of record. Any party dissatisfied with the panel's order shall have twenty days after the date of the certificate of mailing of such order to ~~file an appeal by petition for writ of certiorari with~~ COMMENCE AN ACTION FOR JUDICIAL REVIEW IN the court of appeals.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(11) If the panel has failed to enter its order within sixty days of the receipt of the certified record, the order of the director or administrative law judge shall be deemed the order of the panel and final unless, within thirty days after the end of the sixty-day period, the petitioner ~~files an appeal by petition for writ of certiorari with~~ COMMENCES AN ACTION FOR JUDICIAL REVIEW IN the court of appeals. If the panel has not acted on the sixtieth day, the industrial claim appeals office shall send a written notice to all parties stating that the parties have thirty days after the date of the certificate of mailing of the notice to ~~file such a petition for writ of certiorari~~ COMMENCE SUCH AN ACTION.

**SECTION 3.** 8-43-307 (1) and (3), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended to read:

**8-43-307. Appeals to the court of appeals.** (1) The final order of the director or the panel shall constitute the final order of the division. Any person in interest, including the Colorado compensation insurance authority, being dissatisfied with any final order of the division, may ~~file a petition for a writ of certiorari~~ COMMENCE AN ACTION in the court of appeals against the industrial claim appeals office as defendant to modify or vacate any such order on the grounds set forth in section 8-43-308. ~~The court of appeals may issue a summary order denying any petition for writ of certiorari filed pursuant to this section. Such summary order shall be based on criteria established by the supreme court, by rule, governing the exercise of discretion by the court of appeals in such cases.~~

(3) ~~All such actions shall be commenced by service of a copy of the petition upon the industrial claim appeals office and filing the same with the court of appeals. The petition shall state the grounds upon which the review is sought and shall also be served upon all other parties. After the filing of a petition for a writ of certiorari in the court of appeals, such action shall be conducted in the manner prescribed by the Colorado appellate rules.~~

**SECTION 4.** 13-4-102 (2) (a) and (4), Colorado Revised Statutes, 1987 Repl. Vol., as amended, are amended to read:

**13-4-102. Jurisdiction.** (2) The court of appeals shall have initial jurisdiction to:

(a) Review awards or actions of the industrial claim appeals office, as provided in ~~article~~ ARTICLES 43 AND 74 of title 8, C.R.S.;

(4) ~~The court of appeals may review decisions of the industrial claim appeals panel in workers' compensation cases under articles 40 to 47 of title 8, C.R.S., by writ of certiorari as prescribed by the Colorado appellate rules.~~

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

Approved: April 17, 1995