

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0998.01 Jennifer Berman x3286

SENATE BILL 26-186

SENATE SPONSORSHIP

Marchman and Baisley, Rodriguez

HOUSE SPONSORSHIP

Titone and Keltie, Paschal

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING UPDATES TO THE "WORKERS' COMPENSATION ACT OF
102 COLORADO" NECESSITATED BY TECHNOLOGY UPDATES.

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://leg.colorado.gov/>.)

Joint Technology Committee. The bill makes various updates to language in the "Workers' Compensation Act of Colorado" to align with technology changes in the division of workers' compensation in the department of labor and employment. These updates include changing current statutory language requiring mailing of documents to allow for electronic mailing or filing of the documents.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-40-201, **add** (10.5),
3 (11.3), and (17.5) as follows:

4 **8-40-201. Definitions.**

5 As used in articles 40 to 47 of this title 8, unless the context
6 otherwise requires:

7 (10.5) "FILING" MEANS SERVICE OF A DOCUMENT WITH THE
8 DIVISION OR WITH A COURT.

9 (11.3) "MAILED" OR "MAILING" MEANS SERVICE UPON A PARTY BY
10 ANY MEANS, WHETHER WITH A PHYSICAL COPY, THROUGH EMAIL, OR
11 THROUGH THE DIVISION'S ELECTRONIC FILING SYSTEM.

12 (17.5) "SERVICE", "SERVE", OR "SERVED" MEANS PROVIDING A
13 COPY OF A DOCUMENT OR FILING TO ALL REQUIRED PARTIES BY PHYSICAL
14 OR ELECTRONIC MEANS AND INCLUDES A PROPER FILING THROUGH THE
15 DIVISION'S ELECTRONIC SYSTEM.

16 **SECTION 2.** In Colorado Revised Statutes, 8-41-202, **amend** (1)
17 as follows:

18 **8-41-202. Rejection of coverage by corporate officers and**
19 **others.**

20 (1) Notwithstanding any provisions of articles 40 to 47 of this ~~title~~
21 TITLE 8 to the contrary, a corporate officer of a corporation or a member
22 of a limited liability company may elect to reject the provisions of articles
23 40 to 47 of this ~~title~~ TITLE 8. If so elected, ~~said~~ THE corporate officer or
24 member shall provide written notice on a form approved by the division
25 through a rule ~~promulgated~~ ADOPTED by the director of ~~such~~ THE election
26 to the ~~worker's~~ WORKERS' compensation insurer of the employing

1 corporation or company, if any. ~~by certified mail.~~ If there is no workers'
2 compensation insurance company, the notice shall be provided to the
3 division. ~~by certified mail. Such~~ THE notice ~~shall become~~ BECOMES
4 effective the day following receipt of ~~said~~ THE notice by the insurer or the
5 division.

6 **SECTION 3.** In Colorado Revised Statutes, 8-42-105, **amend**
7 (2)(a) as follows:

8 **8-42-105. Temporary total disability - hearings - rules.**

9 (2) (a) The first installment of compensation shall be paid no later
10 than the date that liability for the claim is admitted by the insurance
11 carrier or self-insured employer. If the insurance carrier or self-insured
12 employer denies liability for the claim, the claimant may request an
13 expedited hearing on the issue of compensability if the application is filed
14 within forty-five days after the date of ~~mailing~~ SERVICE of the notice of
15 contest. The director shall set any ~~such~~ expedited matter for hearing
16 within forty days after the date of the application, when the issue is
17 liability for the disease or injury. The time schedule for ~~such~~ an expedited
18 hearing is subject to the extensions set forth in section 8-43-209. If a
19 claimant elects not to request an expedited hearing pursuant to this
20 ~~paragraph (a)~~ SUBSECTION (2)(a), the time schedule for hearing the matter
21 ~~shall be~~ IS as set forth in section 8-43-209. Compensation shall be paid at
22 least once every two weeks, except where the director determines that
23 payment in installments should be made at some other interval. The
24 director may by rule convert monthly benefit schedules to weekly or other
25 periodic schedules.

26 **SECTION 4.** In Colorado Revised Statutes, 8-42-107.2, **amend**
27 (2)(a)(I) introductory portion, (2)(a)(I)(A), (2)(b), (3)(a), (3)(b), and (4)(c)

1 as follows:

2 **8-42-107.2. Selection of independent medical examiner -**
3 **procedure - time - allocation of costs - disclosures regarding**
4 **physician relationships with insurers, self-insured employers, or**
5 **claimants - rules - applicability.**

6 (2) (a) (I) Except as otherwise provided in ~~subparagraph (H) of~~
7 ~~this paragraph (a)~~ SUBSECTION (2)(a)(II) OF THIS SECTION, the time for
8 selection of an IME commences as follows, depending on which party
9 initiates the dispute:

10 (A) For the claimant, the time for selection of an IME commences
11 with the date of ~~mailing~~ SERVICE of a final admission of liability by the
12 insurer or self-insured employer that includes an impairment rating issued
13 in accordance with section 8-42-107.

14 (b) If any party disputes a finding or determination of the
15 authorized treating physician, ~~such~~ THE party shall request the selection
16 of an IME. The requesting party shall notify all other parties in writing of
17 the request, on a form prescribed by the division by rule, and shall
18 propose one or more acceptable candidates for the purpose of entering
19 into negotiations for the selection of an IME. ~~Such~~ THE notice and
20 proposal is effective upon ~~mailing via United States mail, first-class~~
21 ~~postage paid, addressed~~ SERVICE to the division and to ~~the last-known~~
22 ~~address~~ of each of the other parties. Unless ~~such~~ THE notice and proposal
23 are given within thirty days after the date of ~~mailing~~ SERVICE of the final
24 admission of liability or the date of ~~mailing or delivery~~ SERVICE of the
25 disputed finding or determination, as applicable pursuant to ~~paragraph (a)~~
26 ~~of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION, the authorized
27 treating physician's findings and determinations ~~shall be~~ ARE binding on

1 all parties and on the division.

2 (3) (a) (I) Upon receiving the requesting party's notice and
3 proposal pursuant to subsection (2) of this section, the other parties have
4 until the end of the thirtieth day after the date of ~~mailing of such~~ SERVICE
5 OF THE notice and proposal within which to negotiate and select an IME.
6 If the parties agree on an IME on or before ~~such~~ THE thirtieth day, the
7 requesting party shall promptly notify the IME in writing that ~~he or she~~
8 THE IME has been selected. If, within such time, the parties are unable to
9 agree or the requesting party ~~receives no~~ DOES NOT RECEIVE A response
10 to the notice and proposal, the insurer or self-insured employer shall give
11 written notice of ~~such~~ THE fact to the division within thirty days. ~~via~~
12 ~~United States mail, first-class postage paid.~~

13 (II) The division shall then, within ten days after receiving ~~such~~
14 written notice, select three physicians by a revolving selection process
15 established by the division from the list of physicians maintained by the
16 division. The division shall administer the list in ~~such fashion as to ensure~~
17 A FASHION THAT ENSURES that the names of candidates to serve as IME
18 in each pending case remain confidential until the IME is selected. The
19 director ~~of the division~~ shall ~~promulgate~~ ADOPT rules to implement the
20 process of selecting a panel of three physicians from which the parties
21 may select a physician to conduct a division independent medical
22 examination. The selection of a physician panel ~~shall~~ MUST be based on
23 various factors, including, but not limited to, the designation by rule of
24 the fields of specialization authorized to perform independent medical
25 examinations for conditions listed under each medical treatment guideline
26 and measures to prevent the over-utilization of physicians or specialists.

27 (III) The requesting party shall ~~have~~ BE GIVEN the opportunity to

1 strike one of the three physicians from the list, followed by the opposing
2 party who shall then be given the opportunity to strike one physician from
3 the list. The remaining IME physician shall be designated by the division
4 to conduct the IME. If one or neither party strikes a physician from the
5 list, the division shall select the physician to conduct the IME from the
6 remaining physicians on the list.

7 (b) Upon selection of the IME, the insurance carrier shall provide
8 to the IME and all other parties a copy of all medical records in its
9 possession relevant to the subject injury ~~postmarked or hand-delivered~~
10 within fourteen days prior to the independent medical examination. If the
11 insurance carrier or its representative fails to timely submit ~~such~~ THE
12 medical records, the claimant may request that the division cancel the
13 independent medical examination or the claimant may submit copies of
14 all medical records relevant to the subject injury that the claimant has
15 available within ten days prior to the independent medical examination,
16 or as otherwise arranged by the division with the IME. If the claimant
17 submits medical records, the defaulting party may supplement ~~such~~ THE
18 records pursuant to rules of the division. This subsection (3)(b) shall not
19 be construed to prohibit an independent medical examination from being
20 rescheduled.

21 (4) (c) Within twenty days after the date of ~~the mailing~~ SERVICE
22 of the division's notice that it has received the IME's report, the insurer or
23 self-insured employer shall either file its admission of liability pursuant
24 to section 8-43-203 or request a hearing before the division contesting
25 one or more of the IME's findings or determinations contained in ~~such~~
26 THE report.

27 **SECTION 5.** In Colorado Revised Statutes, 8-43-103, **amend** (1)

1 as follows:

2 **8-43-103. Notice of injury - time limit.**

3 (1) Notice of an injury, for which compensation and benefits are
4 payable, shall be given by the employer to the division and insurance
5 carrier, unless the employer is self-insured, within ten days after the
6 injury, and, in case of the death of any employee resulting from any such
7 injury or any accident in which three or more employees are injured, the
8 employer shall give immediate notice ~~thereof~~ OF DEATH OR INJURY to the
9 director. If ~~no such~~ notice is NOT given by the employer, as required by
10 articles 40 to 47 of this ~~title, such~~ TITLE 8, notice may be given by any
11 person. Any notice required to be filed by an injured employee or, if
12 deceased, by ~~said~~ THE employee's dependents may be made and filed by
13 anyone on behalf of ~~such~~ THE claimant and shall be considered as done
14 by ~~such~~ THE claimant if not specifically disclaimed or objected to by ~~such~~
15 THE claimant in writing filed with the division within a reasonable time.
16 ~~Such~~ THE notice ~~shall~~ MUST be in writing and upon forms prescribed by
17 the division for that purpose and served upon the division. ~~by delivering~~
18 ~~to, or by mailing by registered mail two copies thereof addressed to, the~~
19 ~~division at its office in Denver, Colorado.~~ Upon receipt of ~~such~~ THE
20 notice from a claimant, the division shall immediately ~~mail one~~ SERVE A
21 copy ~~thereof to said~~ TO THE employer or ~~said~~ THE employer's agent or
22 insurance carrier.

23 **SECTION 6.** In Colorado Revised Statutes, 8-43-104, **amend** (1)
24 as follows:

25 **8-43-104. Electronic filings - rules.**

26 (1) The rejection for technical errors by the division of any
27 document, form, or notice that is filed electronically ~~shall~~ DOES not affect

1 the validity of the notice to the claimant or any other party; EXCEPT THAT
2 SUCH REJECTION MAY RESULT IN A FINDING THAT THERE WAS NOT PROPER
3 SERVICE TO THE DIVISION, OTHER PARTIES, OR BOTH.

4 **SECTION 7.** In Colorado Revised Statutes, 8-43-203, **amend**
5 (1)(a), (2)(a), (2)(b)(II)(A), (3) introductory portion, (3)(d)(VI),
6 (3)(d)(VII), and (4) as follows:

7 **8-43-203. Notice concerning liability - notice to claimants -**
8 **notice of rights and claims process - rules.**

9 (1) (a) The employer or, if insured, the employer's insurance
10 carrier shall notify in writing the division and the injured employee or, if
11 deceased, the decedent's dependents within twenty days after a report is,
12 or should have been, filed with the division pursuant to section 8-43-101,
13 whether liability is admitted or contested; except that, for the purpose of
14 this section, any knowledge on the part of the employer, if insured, is not
15 knowledge on the part of the insurance carrier. The employer or the
16 employer's insurance carrier may notify the division electronically. Unless
17 exempted by the director pursuant to rule because of a small number of
18 filings or a showing of financial hardship, ~~beginning July 1, 2006,~~ all
19 notices of contest shall be filed electronically. The rejection of an
20 electronically filed notice by the division for a technical error ~~shall~~ DOES
21 not affect the validity of the notice to the claimant, BUT WILL NOT BE
22 CONSIDERED PROPER SERVICE TO THE DIVISION. If the insurance carrier or
23 self-insured employer denies liability for the claim, the claimant may
24 request an expedited hearing on the issue of compensability if the
25 application ~~therefor~~ FOR AN EXPEDITED HEARING is filed within forty-five
26 days after the date of ~~mailing~~ SERVICE of the notice of contest. The
27 director shall set any ~~such~~ expedited matter for hearing within sixty days

1 after the date of the application, when the issue is liability for the disease
2 or injury. The time schedule for ~~such~~ an expedited hearing is subject to
3 the extensions set forth in section 8-43-209. If a claimant elects not to
4 request an expedited hearing pursuant to this subsection (1), the time
5 schedule for hearing the matter ~~shall be~~ IS as set forth in section 8-43-209.

6 (2) (a) If ~~such~~ notice is not filed as provided in subsection (1) of
7 this section, the employer or, if insured, the employer's insurance carrier,
8 as the case may be, may become liable to the claimant, if the claimant is
9 successful on the claim for compensation, for up to one day's
10 compensation for each day's failure to so notify; except that the employer
11 or, if insured, the employer's insurance carrier shall not be liable for more
12 than the aggregate amount of three hundred sixty-five days' compensation
13 for failure to timely admit or deny liability. Fifty percent of any penalty
14 paid pursuant to this subsection (2) shall be paid to the ~~subsequent injury~~
15 COLORADO UNINSURED EMPLOYER fund, created in ~~section 8-46-101~~
16 SECTION 8-67-105, and fifty percent to the claimant.

17 (b) (II) (A) An admission of liability for final payment of
18 compensation must include a statement that this is the final admission by
19 the workers' compensation insurance carrier in the case, that the claimant
20 may contest this admission if the claimant feels entitled to more
21 compensation, to whom the claimant should provide written objection,
22 and notice to the claimant that the case will be automatically closed as to
23 the issues admitted in the final admission if the claimant does not, within
24 thirty days after the date of the final admission, contest the final
25 admission in writing and request a hearing on any disputed issues that are
26 ripe for hearing, including the selection of an independent medical
27 examiner pursuant to section 8-42-107.2 if an independent medical

1 examination has not already been conducted. If an independent medical
2 examination is requested pursuant to section 8-42-107.2, the claimant is
3 not required to file a request for hearing on disputed issues that are ripe
4 for hearing until the division's independent medical examination process
5 is terminated for any reason. Any issue for which a hearing or an
6 application for a hearing is pending at the time that the final admission of
7 liability is filed shall proceed to the hearing without the need for the
8 applicant to refile an application for hearing on the issue. This
9 information must also be included in the admission of liability for final
10 payment of compensation. The respondents have twenty days after the
11 date of ~~mailing~~ SERVICE of the notice from the division of the receipt of
12 the IME's report to file an admission or to file an application for hearing.
13 The claimant has thirty days after the date respondents file the admission
14 or application for hearing to file an application for hearing, or a response
15 to the respondents' application for hearing, as applicable, on any disputed
16 issues that are ripe for hearing. The revised final admission, if any, must
17 contain the statement required by this ~~subparagraph (H)~~ SUBSECTION
18 (2)(b)(II), and the provisions relating to contesting the revised final
19 admission apply. When the final admission is predicated upon medical
20 reports, the reports must accompany the final admission.

21 (3) In addition to any other notice required by this section, at the
22 time that the employer or, if insured, the employer's insurance carrier
23 provides the notice required by subsection (1) of this section, the
24 employer or insurance carrier shall provide to the claimant a brochure
25 written in easily understood language, in a form developed by the director
26 after consultation with employers, insurance carriers, and representatives
27 of injured workers, describing the claims process and informing the

1 claimant of the claimant's rights. If the claimant has previously authorized
2 the employer or, if insured, the employer's insurance carrier to
3 communicate with the claimant through electronic transmission, the
4 brochure may be sent to the claimant electronically. The brochure ~~shall~~
5 MUST, at a minimum, contain the following information:

6 (d) A description of how the claims process works, including:

7 (VI) The claimant's right to object to and request a hearing on any
8 final admission of liability within thirty days after the ~~mailing~~ SERVICE of
9 the admission in order to retain certain rights;

10 (VII) The claimant's right to challenge a finding of an impairment
11 rating or maximum medical improvement in a final admission of liability
12 within thirty days after the ~~mailing~~ SERVICE of the admission in order to
13 retain certain rights;

14 (4) Within fifteen days after the ~~mailing~~ SERVICE of a written
15 SUBMISSION OR request for a copy of the claim file, the employer or, if
16 insured, the employer's insurance carrier or third-party administrator shall
17 provide to the claimant or ~~his or her~~ THE CLAIMANT'S representative a
18 complete copy of the claim file that includes all medical records,
19 pleadings, correspondence, investigation files, investigation reports,
20 witness statements, information addressing designation of the authorized
21 treating physician, and wage and fringe benefit information for the twelve
22 months leading up to the date of injury and thereafter, regardless of the
23 format. If a privilege or other protection is claimed for any materials, the
24 materials must be detailed in an accompanying privilege log.

25 **SECTION 8.** In Colorado Revised Statutes, 8-43-204, **amend**
26 (8)(a) and (8)(c) as follows:

27 **8-43-204. Settlements - rules.**

1 (8) The director shall adopt rules as necessary to implement the
2 procedure to review and approve settlement documents. At a minimum,
3 the rules must:

4 (a) Allow a represented claimant to submit settlement documents
5 for approval ~~by electronic mail~~ ELECTRONICALLY;

6 (c) Require the division to ~~electronically mail to~~ SERVE counsel of
7 record, or ~~to~~ the insurance carrier or self-insured employer if not
8 represented, WITH a copy of the division's order approving the settlement
9 agreement of the parties.

10 **SECTION 9.** In Colorado Revised Statutes, 8-43-207, **amend** (1)
11 introductory portion, (1)(e), (1)(f), and (1)(i) as follows:

12 **8-43-207. Hearings.**

13 (1) Hearings shall be held to determine any controversy
14 concerning any issue arising under articles 40 to 47 of this ~~title~~ TITLE 8.
15 In connection with hearings, the director and administrative law judges
16 are empowered to:

17 (e) Upon ~~written~~ motion and for good cause shown, permit parties
18 to engage in discovery; except that permission need not be sought if each
19 party is represented by an attorney. The director or administrative law
20 judge may rule on discovery matters and impose the sanctions provided
21 in the rules of civil procedure in the district courts for willful failure to
22 comply with permitted discovery.

23 (f) Upon ~~written~~ motion and for good cause shown, conduct
24 prehearing conferences for the settlement or simplification of issues;

25 (i) Upon ~~written~~ motion and for good cause shown, grant
26 reasonable extensions of time for the taking of any action contained in
27 this ~~article~~ ARTICLE 43;

1 **SECTION 10.** In Colorado Revised Statutes, 8-43-211, **amend**
2 (1) introductory portion as follows:

3 **8-43-211. Notice - request for hearing.**

4 (1) At least thirty days before any hearing, the office of
5 administrative courts in the department of personnel shall send written
6 notice to all parties by regular or electronic mail. ~~or by facsimile.~~ The
7 notice must:

8 **SECTION 11.** In Colorado Revised Statutes, 8-43-215, **amend**
9 (1) as follows:

10 **8-43-215. Orders.**

11 (1) No more than fifteen working days after the conclusion of a
12 hearing, the administrative law judge or director shall issue a written
13 order allowing or denying the claim. The written order must either be a
14 summary order or a full order. A full order must contain specific findings
15 of fact and conclusions of law. If compensation benefits are granted, the
16 written order must specify the amounts ~~thereof~~ OF THE COMPENSATION
17 BENEFITS, the disability for which compensation benefits are granted, by
18 whom and to whom such benefits are to be paid, and the method and time
19 of the payments. A certificate of ~~mailing~~ SERVICE and a copy of the
20 written order shall be served ~~by regular or electronic mail or by facsimile~~
21 ~~to~~ UPON each of the parties in interest or their representatives, the original
22 of which is a part of the records in the case. If an administrative law judge
23 has issued a summary order, a party dissatisfied with the order may make
24 a written request for a full order within ten working days after the date of
25 ~~mailing~~ SERVICE of the summary order. The request is a prerequisite to
26 review under section 8-43-301. If a request for a full order is made, the
27 administrative law judge has ten working days after receipt of the request

1 to issue the order. A full order shall be entered as the final award of the
2 administrative law judge or director subject to review as provided in this
3 ~~article~~ ARTICLE 43.

4 **SECTION 12.** In Colorado Revised Statutes, 8-43-301, **amend**
5 (2)(a)(I), (2)(b), (6), and (10) as follows:

6 **8-43-301. Petitions to review.**

7 (2) (a) (I) If a party is dissatisfied with an order that determines
8 compensability of a claim or liability of any party, that requires any party
9 to pay a penalty or benefits, or that denies a claimant any benefit or
10 penalty, the party may file a petition to review the order. If the order was
11 entered by the director, the party must file the petition with the division.
12 If the order was entered by an administrative law judge, the party must
13 file the petition at the Denver office of the office of administrative courts
14 in the department of personnel. The party must serve the petition to
15 review ~~by regular or electronic mail~~ on all the parties.

16 (b) A dissatisfied party may file the petition to review, ~~by regular~~
17 ~~or electronic mail~~, and the petition is deemed filed upon the date of
18 ~~mailing~~ SERVICE, as determined by the certificate of ~~mailing~~ SERVICE, if
19 the certificate of ~~mailing~~ SERVICE indicates that the petition to review was
20 ~~mailed to~~ SERVED ON the division or ~~to~~ the Denver office of the office of
21 administrative courts in the department of personnel, as appropriate. The
22 petition to review must be in writing and must set forth in detail the
23 particular errors and objections of the petitioner. A petitioner must, at the
24 time of filing the petition, order any transcript relied upon for the petition
25 to review, arrange with the hearing reporter to pay for the transcript, and
26 notify opposing parties of the transcript ordered. Opposing parties must
27 order any other transcript not ordered by the petitioner and arrange with

1 the hearing reporter to pay for the other transcript within twenty days after
2 the date of the certificate of ~~mailing~~ SERVICE of the petition to review the
3 order.

4 (6) A party dissatisfied with a supplemental order may file a
5 petition for review by the panel. The petition shall be filed with the
6 division if the supplemental order was issued by the director or at the
7 Denver office of the office of administrative courts in the department of
8 personnel if the supplemental order was issued by an administrative law
9 judge. The petition shall be filed within twenty days after the date of the
10 certificate of ~~mailing~~ SERVICE of the supplemental order. The petition
11 ~~shall~~ MUST be in writing, ~~shall~~ set forth in detail the particular errors and
12 objections relied upon, and ~~shall~~ be accompanied by a brief in support
13 ~~thereof~~ OF THE PETITION. The petition and brief shall be ~~mailed~~ SERVED
14 by petitioner to all other parties at the time the petition is filed. All
15 parties, except the petitioner, shall be deemed opposing parties and shall
16 have twenty days after the date of the certificate of ~~mailing~~ SERVICE of the
17 petition and brief to file with the division or the Denver office of the
18 office of administrative courts, as appropriate, briefs in opposition to the
19 petition.

20 (10) The panel's order must be ~~mailed to~~ SERVED ON all parties of
21 record. Any party dissatisfied with the panel's order has twenty-one days
22 after the date of the certificate of ~~mailing~~ SERVICE of ~~such~~ THE order to
23 commence an action for judicial review in the court of appeals.

24 **SECTION 13.** In Colorado Revised Statutes, 8-43-302, **amend**
25 (2) as follows:

26 **8-43-302. Corrected orders.**

27 (2) Any order corrected for clerical error, mistake, or inadvertence

1 shall be labeled "corrected order" and ~~mailed~~ SERVED by the division.
2 Any corrected order may be appealed in the manner provided in this
3 ~~article~~ ARTICLE 43 for any other order.

4 **SECTION 14.** In Colorado Revised Statutes, **amend** 8-43-317 as
5 follows:

6 **8-43-317. Service of documents.**

7 All documents that are required to be exchanged under articles 40
8 to 47 of this ~~title~~ TITLE 8 shall be transmitted or served ~~in the same~~
9 ~~manner or by the same means to all required recipients~~ ON THE SAME DAY.

10 **SECTION 15.** In Colorado Revised Statutes, 8-43-404, **amend**
11 **as it exists until January 1, 2028,** (5)(a)(III)(C) as follows:

12 **8-43-404. Examination - refusal - personal responsibility -**
13 **physicians to testify and furnish results - injured worker right to**
14 **select treating physician - injured worker right to third-party**
15 **communications - rules.**

16 (5) (a) (III) An employee may obtain a one-time change in the
17 designated authorized treating physician under this section by providing
18 notice that meets the following requirements:

19 (C) The notice is directed to the insurance carrier or to the
20 employer's authorized representative, if self-insured, and to the initially
21 authorized treating physician and is ~~deposited in the United States mail~~
22 ~~or hand-delivered~~ PROVIDED to the employer, who shall notify the
23 insurance carrier, if necessary, and the initially authorized treating
24 physician;

25 **SECTION 16.** In Colorado Revised Statutes, 8-43-409, **amend**
26 (1) introductory portion as follows:

27 **8-43-409. Defaulting employers - investigation - penalties -**

1 **enjoined from continuing business - fines - procedure - definition -**
2 **repeal.**

3 (1) An employer subject to the terms and provisions of articles 40
4 to 47 of this ~~title who~~ TITLE 8 THAT fails to insure or to keep the insurance
5 required by ~~such articles~~ ARTICLES 40 TO 47 OF THIS TITLE 8 in force,
6 allows the insurance to lapse, or fails to effect a renewal of the insurance
7 shall not continue business operations while ~~such~~ THE default in effective
8 insurance continues. Upon receiving information that an employer is in
9 default of its insurance obligations, the director shall investigate. ~~and, if~~
10 ~~the information can be substantiated, shall notify the employer of the~~
11 ~~opportunity to request a prehearing conference on the issue of default.~~ As
12 part of the director's investigation, the director may verify that all
13 employees of that employer are insured through the employer's workers'
14 compensation plan. The director may forward any workers' compensation
15 coverage issue to the employer's workers' compensation carrier for further
16 investigation by the carrier. Thereafter, if necessary, the director may set
17 the issue of the employer's default for hearing in accordance with hearing
18 time schedule and procedures set forth in articles 40 to 47 of this ~~title~~
19 TITLE 8 and rules ~~promulgated~~ ADOPTED by the director. Upon a finding
20 that the employer is in default of its insurance obligations, the director
21 shall take either or both of the following actions:

22 **SECTION 17.** In Colorado Revised Statutes, 8-43-501, **amend**
23 (2)(a) as follows:

24 **8-43-501. Utilization review process - legislative declaration -**
25 **cash fund - rules.**

26 (2) (a) An insurer, self-insured employer, or claimant may request
27 a review of services rendered pursuant to this ~~article~~ ARTICLE 8 by a

1 health-care provider. Requests for utilization review shall be submitted
2 on forms ~~promulgated~~ ADOPTED by the director by rule. At the time of
3 submission of a review request, the requester shall pay the division a fee
4 prescribed by the director by rule. ~~Such~~ THE fee ~~shall~~ MUST cover the
5 division's administrative costs and the costs of compensating utilization
6 review committee members. If a claimant is successful in a utilization
7 review case brought pursuant to this section, the division shall reimburse
8 the fee charged pursuant to this ~~paragraph (a)~~ SUBSECTION (2)(a) and
9 assess it against the insurer or self-insured employer. The state treasurer
10 shall credit fees collected pursuant to this section to the utilization review
11 cash fund, which fund is ~~hereby~~ created. ~~Moneys~~ MONEY in the
12 utilization review cash fund ~~are~~ IS continuously appropriated to the
13 division for the purpose of administering the utilization review program
14 and may not revert to the general fund at the end of any fiscal year. The
15 division shall ~~mail~~ PROVIDE to any claimant, insurer, or self-insured
16 employer a notice that a case is to be reviewed and that the claimant may
17 be examined as a result of ~~such~~ THE review. The claimant, insurer, or
18 self-insured employer has thirty days from the date of ~~mailing of such~~
19 SERVICE OF THE notice to examine the medical records submitted by the
20 party who requested the review and may add medical records to the
21 utilization review file that the party believes may be relevant to the
22 utilization review. The division shall maintain a special file for utilization
23 review cases. ~~Such~~ THE file shall be MADE accessible only to interested
24 parties in a utilization review case and shall not otherwise be open to any
25 person.

26 **SECTION 18.** In Colorado Revised Statutes, 8-46-102, **amend**
27 (1)(b) as follows:

1 **8-46-102. Funding for subsequent injury fund, Colorado**
2 **uninsured employer fund, and major medical insurance fund.**

3 (1) (b) In the event that the deceased is a minor ~~with no~~ WITHOUT
4 ANY persons either wholly or partially dependent upon the deceased, the
5 employer or the employer's insurance carrier, if any, shall pay to the
6 parents of the deceased the sum of fifteen thousand dollars, not to exceed
7 one hundred percent of the death benefit. In the event that there are ~~no~~
8 NOT surviving parents, the employer or the employer's insurance carrier,
9 if any, shall pay ~~such~~ THE benefits to the division, to be transmitted to the
10 state treasurer, as custodian, and credited by the state treasurer to the
11 ~~subsequent injury~~ COLORADO UNINSURED EMPLOYER fund CREATED IN
12 SECTION 8-67-105. In the event that there are persons only partially
13 dependent upon the deceased, the employer or the employer's insurance
14 carrier, if any, shall first pay such benefits to ~~such~~ THE partially dependent
15 persons and shall pay the balance to the surviving parents of the deceased,
16 or in the event that there are ~~no~~ NOT surviving parents, the remaining
17 balance shall be paid to the division, to be transmitted to the state
18 treasurer, as custodian, who shall credit the same to the ~~subsequent injury~~
19 COLORADO UNINSURED EMPLOYER fund CREATED IN SECTION 8-67-105.

20 **SECTION 19. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2026 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.