Committee on Business, Labor, & Technology.

After consideration on the merits, the Committee recommends the following:

SB21-197 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 3, strike lines 3 through 6 and substitute "corporation, or partnership IMMEDIATELY UPON RECEIPT OF NOTICE OF AN ON-THE-JOB INJURY, BUT NOT MORE THAN SEVEN BUSINESS DAYS AFTER RECEIPT OF NOTICE OF THE ON-THE-JOB INJURY, AN EMPLOYER OR INSURER SHALL, IN WRITTEN VERIFIED FORM, PROVIDE AN INJURED WORKER WITH NOTICE OF THE INJURED WORKER'S RIGHT TO DESIGNATE A TREATING PHYSICIAN AND NOTIFY THE INJURED WORKER WHERE TO ACCESS THE DIVISION'S LIST OF LEVEL I AND LEVEL II ACCREDITED PHYSICIANS. THE DIRECTOR SHALL CREATE A FORM TO IMPLEMENT THE PROCEDURE TO DESIGNATE A PHYSICIAN. THE".

Page 3, line 7, after "DESIGNATE" insert "ONLY".

Page 3, strike lines 21 through 27 and substitute "indicates to the employer or insurer to the contrary IN AN EMERGENCY SITUATION, THE INJURED EMPLOYEE SHALL BE TAKEN TO ANY PHYSICIAN OR HEALTH-CARE FACILITY THAT IS ABLE TO PROVIDE THE NECESSARY CARE. WHEN EMERGENCY CARE IS NO LONGER REQUIRED, SUBSECTION (5)(a)(I)(A) OF THIS SECTION APPLIES. IMMEDIATELY UPON RECEIPT OF NOTICE THAT EMERGENCY CARE IS NO LONGER REQUIRED, BUT NOT MORE THAN SEVEN BUSINESS DAYS AFTER RECEIPT OF NOTICE THAT EMERGENCY CARE IS NO LONGER REQUIRED, AN EMPLOYER OR INSURER SHALL, IN WRITTEN VERIFIED FORM, NOTIFY THE INJURED EMPLOYEE OF THE INJURED EMPLOYEE'S RIGHT TO DESIGNATE A TREATING PHYSICIAN AND NOTIFY THE
INJURED EMPLOYEE ABOUT HOW TO ACCESS THE DIVISION'S LIST OF LEVEL I AND LEVEL II ACCREDITED PHYSICIANS.

Page 4, strike lines 1 through 8.

Page 4, line 9, strike "(C)" and substitute "(C)".

Page 4, line 22, after the period add "IF THE INJURED EMPLOYEE DECLINES TO DESIGNATE A TREATING PHYSICIAN WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE DATE OF INJURY, THE EMPLOYER OR INSURER MAY DESIGNATE A LEVEL I OR LEVEL II ACCREDITED PHYSICIAN LICENSED UNDER THE "COLORADO MEDICAL PRACTICE ACT", ARTICLE 240 OF TITLE 12, AS THE EMPLOYEE'S DESIGNATED TREATING PHYSICIAN.".

Page 5, strike lines 23 through 27.

Strike pages 6 and 7.

Page 8, strike lines 1 through 3 and substitute:

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

(A) The notice is provided within ninety days after the date of the injury, but before the injured worker reaches maximum medical improvement;

(B) The notice is in writing and submitted on a form designated by the director. The notice provided in this subparagraph (III) shall also simultaneously serve as a request and authorization to the initially authorized treating physician to release all relevant medical records to the newly authorized treating physician.

(C) The notice is directed to the INSURER or to the employer's authorized representative, if self-insured, and to the initially authorized treating physician and is deposited in the United States mail or hand-delivered to the employer, who shall notify the INSURER, if necessary, and the initially authorized treating physician;

(D) The new physician is on the employer's designated list or provides medical services for a designated corporate medical provider on the list and a LEVEL I OR LEVEL II ACCREDITED PHYSICIAN LICENSED UNDER THE "COLORADO MEDICAL PRACTICE ACT", ARTICLE 240 OF TITLE 12;
(E) The transfer of medical care does not pose a threat to the health or safety of the injured employee;

(F) An insurance carrier, or an employer's authorized representative if the employer is self-insured, shall track how often injured employees change their authorized treating physician pursuant to this subparagraph (III) SUBSECTION (5)(a)(II) and shall report such information to the division upon request.

(IV) (III) (A) When an injured employee changes his or her designated authorized treating physician, the newly authorized treating physician shall make a reasonable effort to avoid any unnecessary duplication of medical services.

(B) The originally authorized treating physician shall send all medical records in his or her possession pertaining to the injured employee to the newly authorized treating physician within seven calendar days after receiving a request for medical records from the newly authorized treating physician.

(C) The originally authorized treating physician shall continue as the authorized treating physician for the injured employee until the injured employee's initial visit with the newly authorized treating physician, at which time the treatment relationship with the initially authorized treating physician shall terminate.

(D) The opinion of the originally authorized treating physician regarding work restrictions and return to work shall control unless and until such opinion is expressly modified by the newly authorized treating physician.

(E) The newly authorized treating physician shall be presumed to have consented to treat the injured employee unless the newly authorized treating physician expressly refuses in writing within five days after the date of the notice to change authorized treating physicians. If the newly authorized treating physician refuses to treat the injured employee, the employee may request the employer to request an alternative authorized treating physician. If the employer does not provide an alternative authorized treating physician within five days after the employee's request, rules established by the division shall control. WHO IS A LEVEL I OR LEVEL II ACCREDITED PHYSICIAN LICENSED UNDER THE "COLORADO MEDICAL PRACTICE ACT", ARTICLE 240 OF TITLE 12.

(V) (IV) If the authorized treating physician moves from one facility to another, or from one corporate medical provider to another, an injured employee may continue care with the authorized treating physician, and the original facility or corporate medical provider shall provide the injured employee's medical records to the authorized treating physician.
physician within seven days after receipt of a request for medical records from the authorized treating physician.

(V) (A) In addition to the one-time change of physician allowed in subparagraph (III) of this paragraph (a) of this subsection (5)(a)(II) of this section, upon written request.

Page 9, line 6, strike "(5)(a)(II)(A)" and substitute "(5)(a)(V)(A)".

Page 9, line 14, strike "(5)(a)(II)" and substitute "(5)(a)(V)".

Page 9, line 19, strike "(5)(a)(II)(A)" and substitute "(5)(a)(V)(A)".

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