

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0497.02 Kristen Forrestal x4217

HOUSE BILL 16-1399

HOUSE SPONSORSHIP

Singer,

SENATE SPONSORSHIP

Newell,

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION ON THE DENIAL OF A WORKERS'**
102 **COMPENSATION CLAIM FOR MENTAL IMPAIRMENT BASED ON THE**
103 **OCCUPATION OF A WORKER, AND, IN CONNECTION THEREWITH,**
104 **MAKING AN APPROPRIATION.**

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://www.leg.state.co.us/bills summaries>.)

The bill clarifies that a workers' compensation claim for mental impairment may not be denied based on the occupation of the worker. Each claimant is required to be evaluated by a licensed, level II fully

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

accredited physician, psychiatrist, or psychologist.

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

2 **SECTION 1.** In Colorado Revised Statutes, 8-41-301, **amend** (2)

3 (a) as follows:

4 **8-41-301. Conditions of recovery - definition.** (2) (a) A claim
5 of mental impairment must be proven by evidence supported by the
6 testimony of a licensed physician or psychologist. A CLAIM FOR MENTAL
7 IMPAIRMENT BENEFITS PURSUANT TO THIS SECTION MAY NOT BE DENIED
8 BASED SOLELY ON THE OCCUPATION OF THE WORKER. EACH CLAIMANT
9 MUST BE EVALUATED AS TO THAT INDIVIDUAL'S MEDICAL CONDITION BY
10 A COLORADO-LICENSED, LEVEL II FULLY ACCREDITED PHYSICIAN, A
11 LICENSED PSYCHIATRIST, OR A LICENSED PSYCHOLOGIST. For purposes of
12 this subsection (2), "mental impairment" means a recognized, permanent
13 disability arising from an accidental injury arising out of and in the course
14 of employment when the accidental injury involves no physical injury and
15 consists of a psychologically traumatic event that is generally outside of
16 a worker's usual experience and would evoke significant symptoms of
17 distress in a worker in similar circumstances. A mental impairment shall
18 not be considered to arise out of and in the course of employment if it
19 results from a disciplinary action, work evaluation, job transfer, layoff,
20 demotion, promotion, termination, retirement, or similar action taken in
21 good faith by the employer. The mental impairment that is the basis of the
22 claim shall have arisen primarily from the claimant's then occupation and
23 place of employment in order to be compensable.

24 **SECTION 2. Appropriation.** (1) For the 2016-17 state fiscal
25 year, \$24,072 is appropriated to the department of labor and employment

1 for use by the division of workers' compensation. This appropriation is
2 from the workers' compensation cash fund created in section 8-44-112 (7)
3 (a), C.R.S. To implement this act, the division may use this appropriation
4 as follows:

5 (a) \$23,787 for personal services related to workers'
6 compensation, which amount is based on an assumption that the division
7 will require an additional 0.3 FTE; and

8 (b) \$285 for operating expenses related to workers' compensation.

9 **SECTION 3. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2016 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.