

CHAPTER 106

**LABOR AND INDUSTRY**

**HOUSE BILL 93-1238**

BY REPRESENTATIVES Nichol, Reeser, Dyer, Entz, and Sullivan;  
also SENATORS Traylor, Norton, and Tebedo.

**AN ACT**

**CONCERNING A CLARIFICATION TO THE REQUIREMENT THAT AN AUTHORIZED TREATING PHYSICIAN WHO DETERMINES AN IMPAIRMENT RATING FOR CALCULATING PERMANENT PARTIAL DISABILITY BENEFITS UNDER THE WORKERS' COMPENSATION SYSTEM BE ACCREDITED AT LEVEL II BY THE DIVISION OF WORKERS' COMPENSATION.**

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

**SECTION 1.** 8-42-107 (8) (c), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**8-42-107. Permanent partial disability benefits -schedule - medical impairment benefits - how determined. (8) Medical impairment benefits.** (c) When the injured employee's date of maximum medical improvement has been determined pursuant to paragraph (b) of this subsection (8), the authorized treating physician shall determine a medical impairment rating as a percentage of the whole person based on the revised third edition of the "American Medical Association Guides to the Evaluation of Permanent Impairment", in effect as of July 1, 1991. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (8), AS AMENDED, ANY PHYSICIAN WHO DETERMINES A MEDICAL IMPAIRMENT RATING SHALL HAVE RECEIVED ACCREDITATION UNDER THE LEVEL II ACCREDITATION PROGRAM PURSUANT TO SECTION 8-42-101. For purposes of determining levels of medical impairment, the physician shall not render a medical impairment rating based on chronic pain without anatomic or physiologic correlation. Anatomic correlation must be based on objective findings. If either party disputes the authorized treating physician's finding of medical impairment, the parties may select an independent medical examiner by mutual agreement. The finding of such independent medical examiner shall be binding on the parties and on the division. If the parties are unable to mutually agree on the selection of an independent medical examiner, the division shall select an independent medical examiner from a list of independent medical examiners

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

maintained by the division. The finding of such independent medical examiner regarding the medical impairment rating shall be overcome only by clear and convincing evidence. A hearing on this matter shall not take place until the finding of the independent medical examiner selected by the director has been filed with the division.

**SECTION 2. 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 12, 1993