

CHAPTER 48

LABOR AND INDUSTRY

HOUSE BILL 94-1051

BY REPRESENTATIVES Reeser, Adkins, Armstrong, Fleming, Friednash, Hagedorn, R. Hernandez, June, Keller, Knox, Nichol, Snyder and Tucker;
also SENATORS Schaffier and Traylor.

AN ACT**CONCERNING REPLACEMENT OF PROSTHETIC DEVICES IN WORKERS' COMPENSATION CASES.**

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

SECTION 1. 8-42-101 (1) (b), 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. (1) (b) In all cases where the injury results in the loss of a member or part of the employee's body, loss of teeth, loss of vision or hearing, or damage to an existing prosthetic device, the employer shall furnish within the limits of the medical benefits provided in paragraph (a) of this subsection (1) one artificial member, glasses, a hearing aid, a brace, and any other external prosthetic device, including dentures, which are reasonably required to replace or improve the function of each member or part of the body or prosthetic device so affected or to improve the employee's vision or hearing. The employee may ~~at any time within two years from the date such artificial member, glasses, hearing aid, brace, and other external prosthetic device, including dentures, was originally furnished;~~ petition the division for ~~one additional replacement~~ **A REPLACEMENT** OF ANY ARTIFICIAL MEMBER, GLASSES, HEARING AID, BRACE, OR OTHER EXTERNAL PROSTHETIC DEVICE, INCLUDING DENTURES upon grounds that the employee has undergone an anatomical change since the ~~original~~ **PREVIOUS** DEVICE was furnished, and that the anatomical change is directly related to and caused by the injury, and that the replacement is necessary to improve the function of each member or part of the body so affected or to relieve pain and discomfort. ~~This limitation shall not apply to~~ Implants or devices necessary to regulate the operation of, or to replace, with

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

implantable devices, internal organs or structures of the body MAY BE REPLACED WHEN THE AUTHORIZED TREATING PHYSICIAN DEEMS IT NECESSARY. Every employer subject to the terms and provisions of articles 40 to 47 of this title must insure against liability for the medical, surgical, and hospital expenses provided for in this article, unless permission is given by the director to such employer to operate under a medical plan, as set forth in subsection (2) of this section.

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: March 22, 1994