

## CHAPTER 121

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**INSURANCE**

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**SENATE BILL 96-107**

BY SENATORS Hernandez, Feeley, Thiebaut, and Martinez;  
also REPRESENTATIVES Kaufman, Friednash, and Mace.

**AN ACT**

**CONCERNING THE ACCOUNTABILITY OF INDEPENDENT MEDICAL EXAMINERS TO PATIENTS.**

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

**SECTION 1.** Article 16 of title 10, Colorado Revised Statutes, 1994 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PART to read:

**PART 6**  
**ACCOUNTABILITY OF INDEPENDENT MEDICAL**  
**EXAMINERS TO THEIR PATIENTS**

**10-16-601. Legislative declaration.** THE GENERAL ASSEMBLY DECLARES THAT THE INTENT OF THIS PART 6, WHICH SHALL ONLY APPLY TO THIS TITLE AND NOT TO ARTICLES 40 TO 47 OF TITLE 8, C.R.S., IS TO ENSURE THAT PATIENTS HAVE ACCESS TO THE BEST POSSIBLE HEALTH CARE DECISIONS AND INFORMATION, TO INCREASE THE CONFIDENCE OF CONSUMERS THAT DOCTORS WILL BE TRULY INDEPENDENT MEDICAL EXAMINERS.

**10-16-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DOCTOR" MEANS A PERSON LICENSED AS A DOCTOR UNDER TITLE 12, C.R.S., TO PROVIDE HEALTH CARE TO A PATIENT.

(2) "INSURER" MEANS A SICKNESS AND ACCIDENT INSURER, INCLUDING A PROVIDER OF PERSONAL INJURY PROTECTION BENEFITS UNDER PART 7 OF ARTICLE 4 OF THIS TITLE, AND ANY HEALTH MAINTENANCE ORGANIZATION, FRATERNAL BENEFIT SOCIETY, NONPROFIT HOSPITAL, MEDICAL-SURGICAL, AND HEALTH SERVICES CORPORATION,

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

PREPAID HEALTH PLANS, OR OTHER ENTITY PROVIDING HEALTH CARE COVERAGE OR HEALTH BENEFITS OR HEALTH CARE SERVICES, WHETHER AS A PRINCIPAL, INDEMNITOR, SURETY, OR CONTRACTOR, AUTHORIZED BY THE COMMISSIONER TO CONDUCT BUSINESS IN COLORADO. "INSURER" ALSO INCLUDES A SELF-INSURER PROVIDING ANY HEALTH COVERAGE OR HEALTH BENEFIT OR HEALTH CARE SERVICES CERTIFICATE, AGREEMENT, CONTRACT, POLICY, OR PLAN; EXCEPT THAT THE TERM "INSURER" UNDER THIS PART 6 SHALL APPLY ONLY TO THIS PART 6 AND SHALL NOT INCLUDE AN INSURER OR SELF-INSURED EMPLOYER UNDER ARTICLES 40 TO 47 OF TITLE 8, C.R.S.

(3) "PATIENT" MEANS AN INDIVIDUAL COVERED BY, OR DENOTED AS AN INSURED, SUBSCRIBER, ENROLLEE, OR PURCHASER UNDER, ANY HEALTH COVERAGE OR HEALTH BENEFIT OR HEALTH CARE SERVICES CERTIFICATE, AGREEMENT, CONTRACT, POLICY, OR PLAN. "PATIENT" ALSO INCLUDES A COVERED EMPLOYEE OR DEPENDENT OF AN INSURED PERSON.

**10-16-603. Independent medical examinations - governing standard.** ALL INDEPENDENT MEDICAL EXAMINATIONS PERFORMED BY A DOCTOR SHALL BE PERFORMED IN ACCORDANCE WITH GENERALLY ACCEPTED PROFESSIONAL STANDARDS OF PRACTICE OR CARE. IT SHALL BE UNPROFESSIONAL CONDUCT FOR A DOCTOR TO PERFORM AN INDEPENDENT MEDICAL EXAMINATION NOT IN ACCORDANCE WITH GENERALLY ACCEPTED PROFESSIONAL STANDARDS OF PRACTICE OR CARE.

**10-16-604. Financial interest in future care of patient prohibited.** NO DOCTOR THAT PERFORMS AN INDEPENDENT MEDICAL EXAMINATION SHALL HAVE A FINANCIAL OR ECONOMIC INTEREST IN THE TYPE OR DURATION OF TREATMENT OR THE RESULTS OF THE EXAMINATION.

**10-16-605. Independence of examiners.** NO INSURER, EMPLOYER, EMPLOYEE, PATIENT, OR AGENT OR REPRESENTATIVE THEREOF SHALL ATTEMPT TO DICTATE TO ANY DOCTOR PERFORMING AN INDEPENDENT MEDICAL EXAMINATION THE TYPE OR DURATION OF TREATMENT OR THE RESULTS OF THE EXAMINATION.

**10-16-606. Applicability.** NOTHING IN THIS PART 6 SHALL BE CONSTRUED TO APPLY TO ANY ACTION UNDER ARTICLES 40 TO 47 OF TITLE 8, C.R.S.

**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 24, 1996