

CHAPTER 86

LABOR AND INDUSTRY

HOUSE BILL 99-1049

BY REPRESENTATIVES Paschall, Hefley, Decker, George, Larson, Lee, May, McKay, Scott, Spence, and Spradley;
also SENATORS Arnold, Musgrave, Owen, and Tebedo.

AN ACT

CONCERNING THE PROCEDURAL REQUIREMENTS FOR THE SELECTION OF AN INDEPENDENT MEDICAL EXAMINER IN CASES OF DISPUTES UNDER THE "WORKERS' COMPENSATION ACT OF COLORADO".

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

SECTION 1. 8-42-107.2 (3), Colorado Revised Statutes, is amended, and the said 8-42-107.2 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

8-42-107.2. Selection of independent medical examiner - procedure - time - applicability. (3) Upon receiving the requesting party's notice and proposal pursuant to subsection (2) of this section, the other parties have until the end of the thirtieth day after the date of mailing of such notice and proposal within which to negotiate the selection of an IME. If the parties agree on an IME on or before such thirtieth day, the requesting party shall promptly notify the IME in writing that he or she has been selected. If, within such time, the parties are unable to agree or the requesting party receives no response to the notice and proposal, the insurer or self-insured employer shall give written notice of such fact to the division within thirty days via United States mail, first-class postage paid. The division shall then, within ten days after receiving such written notice, select ~~an~~ ONLY ONE IME from a list of IMEs maintained by the division. The division shall administer the list in such fashion as to ensure that the names of candidates to serve as IME in each pending case remain confidential until the IME is selected and that selections are ~~rotated or otherwise distributed uniformly and randomly among~~ RANDOM FROM the pool of IME candidates.

(6) THIS SECTION WAS ENACTED BY HOUSE BILL 98-1062, AS ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY, AS A REMEDIAL STATUTE AND IS PROCEDURAL IN NATURE. THE PURPOSE OF THIS SECTION IS TO

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

IMPROVE AND SIMPLIFY REMEDIES ALREADY EXISTING FOR THE ENFORCEMENT OF RIGHTS AND THE REDRESS OF INJURIES UNDER THE WORKERS' COMPENSATION LAWS OF COLORADO. THIS SECTION EFFECTED PROCEDURES RELATED TO THE SELECTION OF AN IME AND SHALL BE APPLICABLE TO ALL OPEN CASES WITH A DATE OF INJURY ON OR AFTER JULY 1, 1991, FOR WHICH A DIVISION IME HAS NOT BEEN REQUESTED, PURSUANT TO SECTION 8-42-107.

SECTION 2. Effective date. This act shall take effect September 1, 1999, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 8, 1999