

## CHAPTER 306

---

**LABOR AND INDUSTRY**

---

**HOUSE BILL 03-1322**

BY REPRESENTATIVE(S) Mitchell;  
also SENATOR(S) Kester.

**AN ACT****CONCERNING CHANGES IN THE PROCEDURES FOR WORKERS' COMPENSATION HEARINGS.**

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

**SECTION 1.** 8-43-203 (2) (b) (II), Colorado Revised Statutes, is amended to read:

**8-43-203. Notice concerning liability - notice to claimant.** (2) (b) (II) An admission of liability for final payment of compensation shall include a statement that this is the final admission by the workers' compensation insurance carrier in the case, that the claimant may contest this admission if the claimant feels entitled to more compensation, to whom the claimant should provide written objection, and notice to the claimant that the case will be automatically closed as to the issues admitted in the final admission if the claimant does not, within thirty days after the date of the final admission, contest the final admission in writing and request a hearing on any disputed issues that are ripe for hearing, including the selection of an independent medical examiner pursuant to section 8-42-107.2 if an independent medical examination has not already been conducted. ~~However,~~ If an independent medical examination is requested pursuant to section 8-42-107.2, the CLAIMANT IS NOT REQUIRED TO FILE A request for hearing on disputed issues that are ripe for hearing ~~need not be filed~~ until after completion of the division's independent medical examination. THIS INFORMATION SHALL ALSO BE INCLUDED IN THE ADMISSION OF LIABILITY FOR FINAL PAYMENT OF COMPENSATION. The respondents shall have thirty days after the date of mailing of the report from the division's independent medical examiner to file a revised final admission or to file an application for hearing. The claimant shall have thirty days after the date respondents file the revised final admission or application for hearing to file an application FOR HEARING, or A response ~~for hearing~~ TO THE RESPONDENTS' APPLICATION FOR HEARING, AS APPLICABLE, on any DISPUTED issues that are ripe for hearing. The revised final admission shall contain

---

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

the statement required by this subparagraph (II) and the provisions relating to contesting the revised final admission shall apply. When the final admission is predicated upon medical reports, such reports shall accompany the final admission.

**SECTION 2.** 8-43-209, Colorado Revised Statutes, is amended to read:

**8-43-209. Time schedule for hearings - establishment.** (1) The director of the division of administrative hearings shall establish a time schedule for hearings by administrative law judges within the time limits for such hearings as established in this section. Hearings shall be heard within eighty to one hundred days ~~of~~ AFTER the occurrences listed in section 8-43-211 (2). One extension of time of no more than sixty days ~~may~~ SHALL be granted by an administrative law judge upon AGREEMENT OF THE PARTIES.

(2) ONE EXTENSION OF TIME OF NO MORE THAN SIXTY DAYS MAY BE GRANTED BY AN ADMINISTRATIVE LAW JUDGE UPON written request by any party to the case and for good cause shown, in the following cases: When pulmonary lung disease, cancer, cardiovascular disease, or stroke is alleged as the cause of the disability; when the subsequent injury fund is a party; when permanent total disability is alleged; UPON AGREEMENT OF THE PARTIES; or when compensability of the injury is contested. In all other cases, extensions of time of no more than twenty days may be granted by an administrative law judge upon written request by any party to the case and for good cause shown. Such extensions may be granted only when the interests of all parties will be served.

**SECTION 3.** 8-43-211 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**8-43-211. Notice - request for hearing.** (2) Hearings shall be set by the division of administrative hearings in the department of personnel within eighty to one hundred days after any of the following occur:

(e) EXCEPT IN CLAIMS IN WHICH COMPENSABILITY IS CONTESTED, THE PARTY FILING AN APPLICATION FOR A HEARING SHALL CERTIFY ON THE APPLICATION THAT THE PARTY ATTEMPTED TO RESOLVE WITH THE OTHER PARTIES ALL ISSUES LISTED IN THE APPLICATION FOR A HEARING.

**SECTION 4. Applicability.** (1) Section 1 of this act shall apply to workers' compensation injuries that occur on or after August 5, 1998.

(2) Sections 2 and 3 of this act shall apply to workers' compensation claims filed or pending on or after July 1, 2003.

**SECTION 5. 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: May 22, 2003