

CHAPTER 303

LABOR AND INDUSTRY

SENATE BILL 10-013

BY SENATOR(S) Hodge, Carroll M., Tochtrop, Boyd, Hudak;
also REPRESENTATIVE(S) Ryden, Miklosi, Pace, Labuda, Vigil.

AN ACT

CONCERNING ACCOUNTABILITY FOR WORKERS' COMPENSATION INSURERS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Part 2 of article 43 of title 8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

8-43-220. Injured worker exit survey. (1) UPON CLOSURE OF A CLAIM, EACH INSURER SHALL SURVEY THE CLAIMANT OR, IF DECEASED, THE DECEDENT'S DEPENDENTS REGARDING THE CLAIMANT'S SATISFACTION WITH THE INSURER FOR CLAIMS THAT ARE REPORTED TO THE DIVISION PURSUANT TO SECTION 8-43-101. THE SURVEY SHALL BE CONDUCTED IN A FORM AND MANNER AS PRESCRIBED BY THE DIRECTOR. THE DIRECTOR SHALL DEVELOP THE FORM AND MANNER OF THE SURVEY WITH INPUT FROM INSURERS THAT PROVIDE WORKERS' COMPENSATION POLICIES PURSUANT TO ARTICLES 40 TO 55 OF THIS TITLE, AND WITH THE LEAST ADMINISTRATIVE BURDEN AS POSSIBLE. THE SURVEY SHALL INCLUDE QUESTIONS REGARDING COURTESY, PROMPTNESS OF MEDICAL CARE, PROMPTNESS OF HANDLING THE CLAIM, PROMPTNESS OF RESOLVING THE CLAIM, AND OVERALL SATISFACTION WITH THE EXPERIENCE WITH THE INSURER. AN EMPLOYER OR AN INSURER SHALL NOT TAKE DISCIPLINARY ACTION OR OTHERWISE RETALIATE AGAINST A CLAIMANT OR HIS OR HER DEPENDENTS FOR COMPLETING THE SURVEY.

(2) THE INSURER SHALL REPORT THE SURVEY RESULTS ANNUALLY TO THE DIVISION. THE DIRECTOR SHALL POST THE RESULTS OF THE SURVEYS ON THE DIVISION'S WEB SITE.

SECTION 2. 8-45-122, Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

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

8-45-122. Annual report. (1) THE CHIEF EXECUTIVE OFFICER OF PINNACOL ASSURANCE SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR; THE BUSINESS AFFAIRS AND LABOR COMMITTEE OF THE HOUSE OF REPRESENTATIVES; THE BUSINESS, LABOR AND TECHNOLOGY COMMITTEE OF THE SENATE; AND THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR COMMITTEES, REPORTING ON THE BUSINESS OPERATIONS, RESOURCES, AND LIABILITIES OF THE PINNACOL ASSURANCE FUND.

(2) THE REPORT REQUIRED IN SUBSECTION (1) OF THIS SECTION SHALL INCLUDE THE FOLLOWING INFORMATION FOR THE PREVIOUS CALENDAR YEAR:

(a) THE NUMBER OF POLICIES HELD BY PINNACOL ASSURANCE;

(b) THE TOTAL ASSETS OF PINNACOL ASSURANCE;

(c) THE AMOUNT OF RESERVES;

(d) THE AMOUNT OF SURPLUS;

(e) THE NUMBER OF CLAIMS FILED;

(f) THE NUMBER OF CLAIMS ADMITTED OR CONTESTED WITHIN THE TWENTY-DAY PERIOD PURSUANT TO SECTION 8-43-203, SPECIFYING THE NUMBER OF CONTESTED CLAIMS THAT ARE MEDICAL ONLY AND THOSE THAT ARE INDEMNITY CLAIMS;

(g) THE NUMBER OF MEDICAL PROCEDURES DENIED;

(h) THE AMOUNT OF TOTAL COMPENSATION EACH EXECUTIVE OFFICER OR STAFF MEMBER RECEIVES, INCLUDING BONUSES OR DEFERRED COMPENSATION;

(i) THE AMOUNT SPENT ON COMMISSIONS;

(j) THE AMOUNT PAID TO TRADE ASSOCIATIONS FOR MARKETING FEES;

(k) ALL INFORMATION RELATING TO BONUS PROGRAMS; AND

(l) ANY OTHER INFORMATION THE CHIEF EXECUTIVE OFFICER DEEMS RELEVANT TO THE REPORT.

SECTION 3. Part 1 of article 47 of title 8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

8-47-112. Division web site - procedures to file complaints. THE DIRECTOR SHALL CLEARLY POST ON THE DIVISION'S WEB SITE THE PROCEDURE FOR AN INJURED WORKER TO FOLLOW TO FILE A COMPLAINT WITH THE DIVISION REGARDING ANY ISSUE OVER WHICH THE DIRECTOR OR HIS OR HER DESIGNEE HAS AUTHORITY TO PURSUE, SETTLE, OR ENFORCE PURSUANT TO ARTICLES 40 TO 47 OF THIS TITLE.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the workers' compensation cash fund

created in section 8-44-112 (7) (a), Colorado Revised Statutes, not otherwise appropriated, to the department of labor and employment, for allocation to the division of workers' compensation, for the fiscal year beginning July 1, 2010, the sum of three thousand seven hundred fifty-six dollars (\$3,756) cash funds and 0.1 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 5. Effective date. This act shall take effect July 1, 2010.

SECTION 6. 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 27, 2010