

CHAPTER 267

LABOR AND INDUSTRY

SENATE BILL 13-249

BY SENATOR(S) Tochtrop;
also REPRESENTATIVE(S) Williams, Labuda, Salazar.

AN ACT

CONCERNING PROCEDURES REGARDING INDEPENDENT MEDICAL EXAMINERS' REPORTS IN WORKERS' COMPENSATION CASES.

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

SECTION 1. In Colorado Revised Statutes, 8-42-107.2, **amend** (4) as follows:

8-42-107.2. Selection of independent medical examiner - procedure - time - disclosures regarding physician relationships with insurers, self-insured employers, or claimants - rules - applicability. (4) (a) UPON RECEIPT OF THE IME'S REPORT, THE DIVISION HAS FIVE BUSINESS DAYS TO REVIEW THE REPORT AND EITHER:

(I) ISSUE A NOTICE TO ALL PARTIES THAT THE DIVISION HAS RECEIVED THE IME'S REPORT; OR

(II) NOTIFY THE IME OF ANY DEFICIENCIES IN THE REPORT BY LETTER AND SEND COPIES TO ALL PARTIES.

(b) UPON NOTIFICATION OF ANY DEFICIENCIES IDENTIFIED IN THE IME'S REPORT, THE IME HAS TWENTY DAYS TO REMEDY THE DEFICIENCIES AND RESUBMIT THE REPORT. AFTER THE REPORT HAS BEEN RESUBMITTED, THE DIVISION SHALL COMPLY WITH PARAGRAPH (a) OF THIS SUBSECTION (4). IF THE IME FAILS TO TIMELY RESPOND TO THE NOTIFICATION OF DEFICIENCIES, THE DIVISION SHALL ISSUE A NOTICE THAT IT HAS RECEIVED THE IME'S REPORT AND THE INSURER OR SELF-INSURED EMPLOYER SHALL COMPLY WITH PARAGRAPH (c) OF THIS SUBSECTION (4).

(c) Within ~~thirty~~ TWENTY days after the date of the mailing of the ~~IME's report~~

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

DIVISION'S NOTICE THAT IT HAS RECEIVED THE IME'S REPORT, the insurer or self-insured employer shall either file its admission of liability pursuant to section 8-43-203 or request a hearing before the division contesting one or more of the IME's findings or determinations contained in such report.

SECTION 2. In Colorado Revised Statutes, 8-43-203, **amend** (2) (b) (II) (A) as follows:

8-43-203. Notice concerning liability - notice to claimants - notice of rights and claims process - rules. (2) (b) (II) (A) An admission of liability for final payment of compensation ~~shall~~ **MUST** 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. 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 until the division's independent medical examination process is terminated for any reason. Any issue for which a hearing or an application for a hearing is pending at the time that the final admission of liability is filed shall proceed to the hearing without the need for the applicant to refile an application for hearing on the issue. This information ~~shall~~ **MUST** also be included in the admission of liability for final payment of compensation. The respondents ~~shall have thirty~~ **shall have THIRTY** days after the date of mailing of the ~~report from the division's independent medical examiner~~ **NOTICE FROM THE DIVISION OF THE RECEIPT OF THE IME'S REPORT** to file a ~~revised final~~ **AN** admission or to file an application for hearing. The claimant ~~shall have~~ **HAS** thirty days after the date respondents file the ~~revised final~~ admission or application for hearing to file an application for hearing, or a response to the respondents' application for hearing, as applicable, on any disputed issues that are ripe for hearing. The revised final admission, ~~shall~~ **IF ANY, MUST** contain 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~~ **THE** reports ~~shall~~ **MUST** accompany the final admission.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 24, 2013