

CHAPTER 324

LABOR AND INDUSTRY

HOUSE BILL 14-1383

BY REPRESENTATIVE(S) Williams, Becker, Buckner, Court, Duran, Exum, Ferrandino, Fischer, Garcia, Ginal, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock, Lee, May, McCann, Melton, Moreno, Peniston, Primavera, Rosenthal, Ryden, Salazar, Schafer, Singer, Tyler, Vigil, Young, Fields, McLachlan, Mitsch Bush, Pettersen;
also SENATOR(S) Tochtrop and Ulibarri, Aguilar, Heath, Jones, Nicholson, Zenzinger, Carroll.

AN ACT

CONCERNING THE REQUIRED NUMBER OF PHYSICIANS THAT MUST BE PROVIDED TO AN INJURED EMPLOYEE FOR SELECTION OF A TREATING PHYSICIAN IN WORKERS' COMPENSATION CASES.

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

SECTION 1. In Colorado Revised Statutes, 8-43-404, **amend** (5) (a) (I) (A); and **add** (5) (a) (I) (C) as follows:

8-43-404. Examination - refusal - personal responsibility - physicians to testify and furnish results - injured worker right to select treating physicians - injured worker right to third-party communications - definitions - rules.
(5) (a) (I) (A) In all cases of injury, the employer or insurer shall provide a list of at least ~~two~~ **FOUR** physicians or ~~two~~ **FOUR** corporate medical providers or at least ~~one~~ **TWO** ~~physician~~ **PHYSICIANS** and ~~one~~ **TWO** ~~corporate medical provider~~ **CORPORATE PROVIDERS** OR A COMBINATION THEREOF where available, in the first instance, from which list an injured employee may select the physician who attends ~~said~~ **THE** injured employee. ~~The two~~ **AT LEAST ONE** OF THE ~~FOUR~~ **DESIGNATED PROVIDERS** ~~SHALL~~ **PHYSICIANS OR CORPORATE MEDICAL PROVIDERS OFFERED MUST** be at ~~two~~ **A** ~~distinct locations~~ **LOCATION** FROM THE OTHER THREE DESIGNATED PHYSICIANS OR CORPORATE MEDICAL PROVIDERS **without common ownership**. If there are not **AT LEAST TWO** ~~providers~~ **PHYSICIANS OR CORPORATE MEDICAL PROVIDERS** at ~~two~~ **distinct locations** without common ownership within thirty miles of ~~each other~~ **THE EMPLOYER'S PLACE OF BUSINESS**, then an employer may designate ~~two~~ **PHYSICIANS OR CORPORATE MEDICAL providers** at the same location or with shared ownership interests. Upon request by an interested party to the workers' compensation claim, a designated provider on the employer's list shall provide a list of ownership interests and employment relationships, if any, to the requesting party within five

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

days of the receipt of the request. If the services of a physician are not tendered at the time of injury, the employee shall have the right to select a physician or chiropractor. For purposes of this section, "corporate medical provider" means a medical organization in business as a sole proprietorship, professional corporation, or partnership.

(C) IF THERE ARE MORE THAN THREE PHYSICIANS OR CORPORATE MEDICAL PROVIDERS, BUT FEWER THAN NINE PHYSICIANS OR CORPORATE MEDICAL PROVIDERS WITHIN THIRTY MILES OF THE EMPLOYER'S PLACE OF BUSINESS WHO ARE WILLING TO TREAT AN INJURED EMPLOYEE, THE EMPLOYER OR INSURER MAY INSTEAD DESIGNATE TWO PHYSICIANS OR TWO CORPORATE MEDICAL PROVIDERS OR ANY COMBINATION THEREOF. THE TWO DESIGNATED PROVIDERS SHALL BE AT TWO DISTINCT LOCATIONS WITHOUT COMMON OWNERSHIP. IF THERE ARE NOT TWO PROVIDERS AT TWO DISTINCT LOCATIONS WITHOUT COMMON OWNERSHIP WITHIN THIRTY MILES OF THE EMPLOYER'S PLACE OF BUSINESS, THEN AN EMPLOYER MAY DESIGNATE TWO PROVIDERS AT THE SAME LOCATION OR WITH SHARED OWNERSHIP INTERESTS. UPON REQUEST BY AN INTERESTED PARTY TO THE WORKERS' COMPENSATION CLAIM, A DESIGNATED PROVIDER ON THE EMPLOYER'S LIST SHALL PROVIDE A LIST OF OWNERSHIP INTERESTS AND EMPLOYMENT RELATIONSHIPS, IF ANY, TO THE REQUESTING PARTY WITHIN FIVE DAYS OF THE RECEIPT OF THE REQUEST.

SECTION 2. Act subject to petition - effective date. This act takes effect April 1, 2015; 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 the ninety-day period after final adjournment of the general assembly, 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 April 1, 2015, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

Approved: June 5, 2014