

Editor's Note: Association Newsletter Article – July 2010

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The Impact of 2010 Legislation on Your Business

Several bills from Colorado's 2010 legislative session may affect you and your employees. Below are some of the significant changes resulting from these bills.

Senate Bill 011: Prohibits a treating physician from communicating with the insurer or employer of an injured worker unless the worker is present, or the treating physician makes an accurate written record of the communication and provides the injured worker access to the report. This generally would not include office staff discussing administrative items (e.g. scheduling, billing, or sending a medical record).

Requires that proposed Division Independent Medical Exam (DIME) doctors disclose business, employment, advisory or financial relationships with the insurer, self-insured employer or injured worker who is party to the claim *if a party requests the information*. The disclosure also pertains to entities affiliated with the physician, and the insurer, self-insured employer, or claimant who is a party to the claim.

Prohibits payment or receipt of a financial incentive by an insurer, employer or health care provider to deny or delay a claim, or to deny or delay care or payment for medical treatment for any of the following reasons:

- Number of days to maximum medical improvement (MMI)
- The rate of claim approval or denial
- The number of medical procedures, diagnostic procedures or treatment appointments approved
- Any other criteria designated or intended to encourage a violation of any provision of
- Articles 40-47 of the Workers' Compensation Act

Senate Bill 163: Requires that documents that are required to be exchanged under Articles 40 to 47, including formal modified duty job offers and task letters, be exchanged in the same manner to all parties. In cases where Pinnacol handles the correspondence, our business practice will be to mail all task letters and job offers. Pinnacol will no longer fax or e-mail these documents. Hand-delivered job offers must be delivered to the injured worker and his/her attorney on the same day. The procedure for mailed job offers remains the same: The injured worker must receive a copy of the job offer by certified mail and regular mail. If represented, the injured worker's attorney must also receive a copy of the job offer by certified mail. Employers can choose to complete formal job offers without assistance from Pinnacol. If you choose to do so, you should be sure that the delivery method complies with S.B. 163.

Senate Bill 187: States that the following are not grounds for finding an injured worker responsible for his or her termination:

- An injured worker's refusal to accept a modified duty offer that would require him/her to travel a distance of more than an additional 50 miles one way
- Other conditions that would make the rejection of the offer of modified employment a reasonable refusal as determined by an Administrative Law Judge considering the totality of the injured worker's circumstances

For more information on all 2010 legislation affecting workers' compensation, visit www.pinnacol.com/legislation/2010-legislative-recap, contact the Colorado Division of Workers' Compensation at 303.318.8700, or call your Pinnacol marketing manager.

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