

# Workers' Compensation

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In response to concerns that recent rulings by administrative law judges and court judges could result in a rise in workers' compensation premiums, a number of workers' compensation reform bills were considered this session.

Enactments that would restrict, in certain instances, the payment of workers' compensation benefits include the following:

a requirement that prohibits medical impairment ratings for conditions that are not directly caused by a work-related injury or occupational disease in cases in which permanent medical impairment is an issue (House Bill 99-1107);

a reduction in payments for mental or emotional distress (House Bill 99-1157);

a 50 percent reduction in benefits where a claimant makes a deceptive statement in a job application concerning the physical ability of the claimant to perform the requirements of the job (House Bill 99-1269);

a reduction in workers' compensation disability payments, other than disbursements to medical providers, by 50 percent where there is medical test evidence of intoxication (Senate Bill 99-161); and

a provision that temporary disability benefits are not available to an injured worker unless the worker leaves work solely as a result of an on-the-job injury (House Bill 99-1105).

Revisions in procedures for selecting an independent medical examiner were implemented with the enactment of House Bill 99-1049. This bill requires the Division of Workers' Compensation to select one independent medical examiner (IME) from the list maintained by the division, if the parties to a workers' compensation claim are unable to agree on the selection of an IME. This provision is applicable to all claims pending before the division.

Two workers' compensation reform bills were defeated. House Bill 99-1129 would have revised responsibilities for independent medical examiners. The bill specified that the physical impairment rating set by an IME be based solely upon the examination of the injured employee and the medical records detailing the employee's treatment by an authorized treating physician. The bill also would have prohibited the IME from making a physical impairment rating concerning any condition not documented in the medical records of the IME and the authorized treating physicians. Senate Bill 99-102 would have required an employee to receive nonscheduled injury benefits upon reaching maximum medical improvement, in cases where an employee has an injury that results in the employee being disabled and unable to meet the employee's occupational demands.

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