



Colorado Division of Workers' Compensation 2011 *Legislative Advisory*

Legislation enacted by the 2011 General Assembly was fairly minimal but contained amendments to the Colorado Workers' Compensation Act which are of importance for practitioners. There are also several procedural changes of which claims handlers will want to take notice. The following reiteration will highlight changes that should be fully considered and implemented to ensure compliance. This is not intended to be an exhaustive summary.

[Senate Bill 11-199](#)

[Signed 5/23/11: Effective upon signature](#)

- Section 1. Adds a subsection to the maximum medical improvement (MMI) and impairment rating provisions at C.R.S. §8-42-107 (8), requiring an employer or insurer admit liability for reasonable, necessary and related medical benefits after MMI where: 1) such benefits are recommended by an authorized treating physician; 2) such benefits are provided by an authorized treating physician; and 3) there is no contrary medical opinion in the record. [C.R.S. § 8-42-107\(8\)\(f\)](#)
- Section 2. Eliminates the requirement that parties agree to discovery where both sides are represented. [C.R.S. § 8-43-207\(1\)\(e\)](#)
- Section 3. Adds the requirement that an employer or insurer scheduling a non-division independent medical evaluation (IME) provide advance payment of estimated travel expenses to the injured worker, if requested. Failure to provide travel expenses in accordance with this section constitutes grounds for refusal by the claimant to attend the IME. If payment is tendered, and the injured worker fails to attend the examination, monies advanced for travel may be deducted from future indemnity benefits. [C.R.S. § 8-43-404\(b\)\(I\)&\(II\)](#)
- Section 4. Amends the applicability of section 8 of Senate Bill 10-187 enacted in 2010, to extend to all claims regardless of the date of injury. Section 8-43-406(1) as amended, prohibited the Director or Administrative Law Judge from conditioning a lump sum payment on the claimant waiving the right to pursue permanent total disability benefits. [Colo. Sess. Laws, 12010, Ch. 310 at 1459](#)

Applicability: Section 1 applies to dates of injury on or after May 23, 2011; Section 2 applies to discovery on or after May 23, 2011, where both parties are represented; Section 3 applies to non-Division IMEs scheduled on or after May 23, 2011, where a travel advance is requested; and Section 4 applies to all requests for lump sum payments pursuant to C.R.S. 8-43-406(1), regardless of the date of injury.

Implementation: No rule making is anticipated.