

## 2011 Amendments to Colorado Workers' Compensation Statute

(Please note that these statutory amendments have different effective dates)

8-42-107      Signed May 23, 2011      Effective upon signature      New      SB-11-199

**Permanent partial disability benefits - schedule - medical impairment benefits - how determined. (8) Medical impairment benefits - determination of MMI for scheduled and nonscheduled injuries.** (f) IN ALL CLAIMS IN WHICH AN AUTHORIZED TREATING PHYSICIAN RECOMMENDS MEDICAL BENEFITS AFTER MAXIMUM MEDICAL IMPROVEMENT, AND THERE IS NO CONTRARY MEDICAL OPINION IN THE RECORD, THE EMPLOYER SHALL, IN A FINAL ADMISSION OF LIABILITY, ADMIT LIABILITY FOR RELATED REASONABLE AND NECESSARY MEDICAL BENEFITS BY AN AUTHORIZED TREATING PHYSICIAN.

8-43-207      Signed May 23, 2011      Effective upon signature      Amended      SB-11-199

**Hearings.** (1) Hearings shall be held to determine any controversy concerning any issue arising under articles 40 to 47 of this title. In connection with hearings, the director and administrative law judges are empowered to:

(e) Upon written motion and for good cause shown, permit parties to engage in discovery; except that permission need not be sought if each party is represented by an attorney. ~~and the parties agree to engage in discovery.~~ The director or administrative law judge may rule on discovery matters and impose the sanctions provided in the rules of civil procedure in the district courts for willful failure to comply with permitted discovery.

8-43-404      Signed May 23, 2011      Effective upon signature      New      SB-11-199

**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.** (1) (a) If in case of injury the right to compensation under articles 40 to 47 of this title exists in favor of an employee, upon the written request of the employee's employer or the insurer carrying such risk, the employee shall from time to time submit to examination by a physician or surgeon or to a vocational evaluation, which shall be provided and paid for by the employer or insurer, and the employee shall likewise submit to examination from time to time by any regular physician selected and paid for by the division.

(b) (I) AT LEAST THREE BUSINESS DAYS IN ADVANCE OF AN EXAMINATION UNDER PARAGRAPH (a) OF THIS SUBSECTION (1), IF REQUESTED BY THE CLAIMANT, THE EMPLOYER OR INSURER SHALL PAY TO THE CLAIMANT THE CLAIMANT'S ESTIMATED EXPENSES OF ATTENDING THE EXAMINATION, INCLUDING TRANSPORTATION, MILEAGE, FOOD, AND HOTEL COSTS. FAILURE TO PROVIDE PAYMENT IN ACCORDANCE WITH THIS SUBPARAGRAPH (I) CONSTITUTES GROUNDS FOR THE CLAIMANT TO REFUSE TO ATTEND THE EXAMINATION.

(II) IF AN EMPLOYER PAYS ESTIMATED EXPENSES UNDER THIS PARAGRAPH (b) AND THE CLAIMANT DOES NOT ATTEND THE EXAMINATION, THE EMPLOYER OR INSURER MAY RECOVER THE COSTS PAID FOR THE EMPLOYEE'S EXPENSES FROM FUTURE INDEMNITY BENEFITS.

**Specified effective date - applicability.** (1) Except as otherwise provided in subsection (2) of this section, this act shall take effect July 1, 2010, and shall apply to injuries sustained on or after said date; EXCEPT THAT SECTION 8 OF THIS ACT SHALL APPLY TO ALL REQUESTS FOR LUMP-SUM PAYMENTS, REGARDLESS OF THE DATE OF A CLAIMANT'S INJURY.

2010 AMENDMENT:

8-43-406

Signed May 27, 2010

Amended

SB-10-187

**Compensation in lump sum.** (1) At any time after six months have elapsed from the date of injury, the claimant may elect to take all or any part of the compensation awarded in a lump sum by sending written notice of the election and the amount of benefits requested to the carrier or the noninsured or self-insured employer. The carrier or self-insured employer shall file the calculation of the lump sum due and notice that the lump sum has been paid to the claimant within ten days after the election. When the claimant is unrepresented, the director shall calculate amounts to be paid based on the present worth of partial payments, considering interest at four percent per annum, and less a deduction for the contingency of death. The director shall make the method of calculation of lump sums available to all parties at all times, including posting the information on the division's web site. NEITHER THE DIRECTOR NOR AN ADMINISTRATIVE LAW JUDGE SHALL IN ANY WAY ATTEMPT TO CONDITION THE LUMP SUM PAYMENT ON THE CLAIMANT WAIVING THE RIGHT TO PURSUE PERMANENT TOTAL DISABILITY BENEFITS.