



Announcements and Reminders



COLA Increase

Are you prepared for the 2% cost of living adjustment (COLA) increase on your permanent total disability (PTD) claims with dates of injury between 7/1/91 and 6/30/94? These claims require a new final admission of liability reflecting a 2% AWW rate increase every July 1.



Surcharge Rates

- ▶ Workers' Compensation Cash Fund: 1.35%
- ▶ Premium Cost Containment Program: 0.00%
- ▶ Subsequent Injury Fund/Major Medical Fund: 0.1%
- ▶ Calculate, File and Pay surcharge **online**



Forms

Several frequently used Division forms have been updated including the Final Admission of Liability, Notice and Proposal and Application for a DIME, Workers' Compensation Act Poster and others.

Please visit the **Forms page on our website** to ensure you are using the correct forms.



Benefits Calculator

Make sure to take advantage of the improved Benefits Calculator by visiting **dowc.cdle.state.co.us/benefits**.

Statutory Changes

This year the General Assembly adopted one bill that impacts workers' compensation in Colorado.

HB19-1105 - Nurse Practitioner Workers' Compensation

- ▶ Signed: April 4, 2019
- ▶ Effective: August 2, 2019

The bill allows an advanced practice nurse with prescriptive authority to obtain Level I Accreditation under the "Workers' Compensation Act of Colorado".

Highlights:

- ▶ Nurse practitioners with Level I Accreditation will join physician assistants in the ability to earn 100% of the Medical Fee Schedule for services.
- ▶ NPs will not have the authority to independently place claimants at full duty or at maximum medical improvement for the purposes of termination of temporary disability.

Find more updated rules on our website at:

colorado.gov/cdle/dwc

Sign up for our mailing list to receive notifications on upcoming rule hearings

Rule Changes

Colorado Uninsured Employer Fund

The Colorado Uninsured Employer Board adopted final rules to govern the delivery of benefits when the Fund opens in January 2020.

Rule 11: Division Independent Medical Examination

The Division Independent Medical Exam (DIME) Program is an essential function of our state's workers' compensation system. While the needs and direction of the program became more complex, it had not been modified since its inception in 1991. After three years of collaboration with stakeholders, the Division adopted significant changes to Rule 11 that went into effect on January 1, 2019.

Key Changes:

- ▶ There is a three-tiered payment system based on the time elapsed between the date of injury and the filing of the DIME Application and the number of body regions indicated on the DIME application.
- ▶ The physician must receive the fee prior to the requesting party scheduling the DIME appointment.
- ▶ The Notice and Proposal and DIME Application are now combined into one document.
- ▶ The time frame to schedule a DIME appointment is extended to between 45 days and 75 days after the requesting party receives the notice of the DIME Physician Confirmation.
- ▶ The parties will now be responsible for agreeing on a singular medical records packet to be submitted to the DIME physician.

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Division of Workers' Compensation Quick Reference Guide

Effective 7/1	Max PPD Weekly Rate	Max TTD Weekly Rate	Scheduled Impairment Weekly Rate	Disfigurement Maximum	Lump Sum Max 1 Dependent / Multiple Dependents	Benefit Caps 25%- WP / 25%+ WP	Non-Dependent Fatal Claims	Mileage Reimbursement Rate
2004	370.66	674.59	212.32	2000.00	80,868.10 / 161,734.15	60,000 / 120,000	15,000.00	0.30
2005	383.07	697.20	219.42	2000.00	80,868.10 / 161,734.15	60,000 / 120,000	15,000.00	0.30
2006	395.47	719.74	226.52	2000.00	80,868.10 / 161,734.15	75,000 / 150,000	15,000.00	0.30
2007	413.95	753.41	237.11	4,000.00 / 8,000.00	80,868.10 / 161,734.15	75,000 / 150,000	15,000.00	0.37
2008	431.96	786.17	247.42	4,174.00 / 8,348.00	80,868.10 / 161,734.15	75,000 / 150,000	15,000.00	0.40
2009	443.55	807.24	254.06	4,286.00 / 8,572.00	80,868.10 / 161,734.15	75,000 / 150,000	15,000.00	0.55
2010	445.42	810.16	255.13	4,304.00 / 8,608.00	80,868.10 / 161,734.15	75,000 / 150,000	15,000.00	0.52
2011	454.98	828.03	260.59	4,396.00 / 8,792.00	80,868.10 / 161,734.15	75,000 / 150,000	15,000.00	0.47
1/1/12	466.41	848.82	266.98	4,396.00 / 8,792.00	80,868.10 / 161,734.15	76,605 / 153,210	15,000.00	0.47
7/1/12	466.41	848.82	266.98	4,504.00 / 9,007.00	80,868.10 / 161,734.15	78,482 / 156,962	15,000.00	0.47
2013	481.04	875.52	275.10	4,640.90 / 9,280.84	80,868.10 / 161,734.15	80,868.10 / 161,734.15	15,000.00	0.52
2014	484.44	881.65	277.03	4,673.47 / 9,345.38	81,435.67 / 162,869.28	81,435.67 / 162,869.28	15,000.00	0.53
2015	502.53	914.27	286.91	4,840.14 / 9,678.66	84,339.86 / 168,677.59	84,339.86 / 168,677.59	15,000.00	0.53
2016	516.39	939.82	294.93	4,975.46 / 9,949.17	86,697.04 / 173,391.90	86,697.04 / 173,391.90	15,000.00	0.53
2017	521.00	948.15	297.56	5,019.83 / 10,037.89	87,470.18 / 174,938.15	87,470.18 / 174,938.15	20,000.00	0.53
2018	542.78	987.84	310.00	5,229.68 / 10,457.52	91,126.84 / 182,251.37	91,126.84 / 182,251.37	20,836.09	0.53
2019	561.86	1,022.56	320.90	5,413.52 / 10,825.13	94,330.19 / 188,658.00	94,330.19 / 188,658.00	21,568.53	0.53

Age Factor		
-21... 1.80	34..... 1.52	48.. 1.24
21.... 1.78	35..... 1.50	49.. 1.22
22.... 1.76	36..... 1.48	50.. 1.20
23.... 1.74	37..... 1.46	51.. 1.18
24.... 1.72	38..... 1.44	52.. 1.16
25.... 1.70	39..... 1.42	53.. 1.14
26.... 1.68	40..... 1.40	54.. 1.12
27.... 1.66	41..... 1.38	55.. 1.10
28.... 1.64	42..... 1.36	56.. 1.08
29.... 1.62	43..... 1.34	57.. 1.06
30.... 1.60	44..... 1.32	58.. 1.04
31.... 1.58	45..... 1.30	59.. 1.02
32.... 1.56	46..... 1.28	60+ 1.00
33.... 1.54	47..... 1.26	

Formulas
Temporary Total Disability (TTD) AWW x 2/3 = TTD
Temporary Partial Disability (TPD) (AWW - gross) x 2/3 = TPD
Scheduled Impairment (PPD) % of impairment x number of weeks x rate (based on DOI)
Whole Person Impairments (PPD) % of impairment x 400 weeks x TTD rate x Age Factor
Weekly SSDI offset Initial monthly award x 12 months / 104
Weekly COBRA increase Monthly COBRA cost x 12 months / 52 weeks
Check out our Benefits Calculator at https://dowc.cdle.state.co.us/benefits/



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Permanent Partial Disability Benefits for Scheduled Injuries

Body Part	Loss	Weeks
01	Arm at shoulder	208
01	Arm above the hand, including wrist	208
03	Hand below the wrist	104
04	Thumb & its metacarpal bone	50
05	Thumb at the proximal joint	35
06	Thumb at second or distal joint	18
07	Index finger & its metacarpal bone	26
08	Index finger at the proximal joint	18
09	Index finger at the second joint	13
10	Index finger at the distal joint	9
11	Middle finger & its metacarpal bone	18
12	Middle finger at the proximal joint	13
13	Middle finger at the second joint	9
14	Middle finger at the distal joint	5
15	Third or ring finger & its metacarpal bone	11
16	Ring finger at the proximal joint	7
17	Ring finger at the second joint	7
18	Ring finger at the distal joint	4
19	Little finger & its metacarpal bone	13
20	Little finger at the proximal joint	9
21	Little finger at the second joint	9
22	Little finger at the distal joint	4
23	Leg at the hip joint, or so near thereto as to preclude the use of an artificial limb	208
23	Leg above the foot, including the ankle	208
25	Foot below the ankle	104
26	Great toe & its metatarsal bone	26
27	Great toe at the proximal joint	18
28	Great toe at the second or distal joint	9
29	Any other toe & its metatarsal bone	11
30	Any other toe at the proximal joint	4
31	Any other toe at the second or distal joint	4
32	Loss of a tooth	6
33	Total blindness of one eye	104
34	Total deafness of both ears	139
35	Total deafness of one ear	35
36	Total deafness of one ear, when the worker was totally deaf in the other ear prior to the injury	139

Frequent Rules & Statutory Offsets

Fatal Claims

Minimum fatal payment is 25% of the applicable maximum TTD rate. Dependent children receive benefits until age 18 or 21 if in school. Remarriage of Widow(er) terminates benefits but may require a 2 year lump sum. Non-dependent fatal claims require payment to the Colorado Uninsured Employer fund.

Lump Sums Maximums

Maximum amounts are determined by the date the first lump sum was requested.

Mental Impairment Rating § 8-41-301(2)(b)

Percentage included for determining cap for injuries on or after 7/1/09. Benefits limited to 12 weeks unless Claimant was a victim of a crime of violence or neurological brain damage.

Medicare Set Aside Account (MSA)

Formal submission is needed:

If claimant is a Medicare recipient & settlement payout exceeds \$25,000, **OR** If there is a reasonable expectation for Medicare within 30 months & settlement payout exceeds \$250,000.

Minor § 8-40-202(1)(B)(III)

Anyone under age 21 at the date of injury. Whole person PPD and PTD is calculated using the maximum TTD rate at MMI.

Retirement & Social Security Benefit Offsets § 8-42-103(1)(c) & § 8-42-113.5(1)(a)

SSD not offset v. PPD for injuries on or after 7/1/2010 but 50% is still offset against temporary and permanent total disability. Social Security or employer-paid **retirement benefits are not offset** against permanent total disability if the claimant was under age 45 at time of injury. **Employer-paid retirement benefits are offset** against permanent total disability benefits unless paid by the employer pursuant to a union contract. **Claimant must notify respondent** in writing within 20 days upon knowledge that claimant will be receiving SSD or any other payment which is offset against WC benefits, otherwise WC benefits may be unilaterally suspended during overpayment recovery.

Unemployment § 8-73-112

Claimant must apply for UI benefits w/in 28 days after termination of temporary benefits.



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