

# DEPARTMENT OF LABOR AND EMPLOYMENT

## Division of Workers' Compensation

7 CCR 1101-3

### WORKERS' COMPENSATION RULES OF PROCEDURE

#### Rule 13 Accreditation of Physicians

##### 13-1 STATEMENT OF BASIS AND PURPOSE

(A) This rule is promulgated to implement and establish procedures for the physicians accreditation program as set forth in statute, to provide physicians with an understanding of their administrative, legal and medical roles in the workers' compensation system. Accreditation requirements established shall apply to:

- (1) Physicians who seek Level I accreditation under the Act; and
- (2) Physicians providing permanent impairment evaluation of claimants; and
- (3) Physicians serving on the Division Independent Medical Examination Panel.

##### 13-2 ACCREDITATION

(A) To obtain Level I or Level II Accreditation a physician must:

- (1) be qualified under the act;
- (2) complete an application form prescribed by the Division and in Level II cases, indicate if full accreditation or limited accreditation is sought;
- (3) attend a Division seminar and/or review the Division materials on the worker's compensation system; for Level II accreditation, this must include the American Medical Association Guides to the Evaluation of Permanent Impairment, Third Edition (Revised), in effect as of July 1, 1991 ('AMA Guides'), and demonstrate an understanding of such materials by taking an examination administered by the Division; and
- (4) certify agreement to comply with all Division rules, including but not limited to the medical treatment guidelines, permanent impairment rating guidelines and utilization standards adopted by the Director, and all relevant statutes.

(B) After paying the accreditation registration fee, a physician must satisfactorily complete the examination administered by the Division. If the physician does not exhibit sufficient knowledge upon completion of the examination on the third attempt, he or she shall be required to wait six months and pay a second registration fee before taking the examination again.

- (C) Accreditation begins on the date the physician successfully completes the accreditation examination.
- (D) Level II Accreditation expires on December 31<sup>ST</sup> of the third calendar year following the year the physician successfully completed the Level II Accreditation examinations; Level I Accreditation expires on July 31<sup>st</sup> of the third year following the year the Level I applicant successfully completed the Level I Accreditation examination.
- (E) For Level II Accreditation only:
  - (1) Full Accreditation: A qualified physician who satisfactorily completes the Level II Accreditation examination as determined and administered by the Division shall be fully accredited to determine permanent impairment ratings on any work-related injury or illness.
  - (2) Limited Accreditation: A qualified physician who seeks Level II Accreditation in order to rate impairment only in connection with an area of medical specialty and who satisfactorily completes specified portions of the Level II examination as determined and administered by the Division shall receive limited accreditation to determine permanent impairment ratings on the corresponding sections of the AMA Guides.

### 13-3 RENEWAL OF ACCREDITATION

- (A) The Division shall provide accredited physicians not less than sixty (60) days written notice of impending expiration of their accreditation.
- (B) A physician who does not renew their accreditation before their accreditation expiration date may reapply and complete the process for initial accreditation under section 13-2.
- (C) To renew accreditation, a qualified physician must:
  - (1) be qualified under the Act;
  - (2) complete an application form prescribed by the Division and, for Level II accreditation, indicate if full accreditation or limited accreditation is sought;
  - (3) complete the Division Reaccreditation Curriculum for Level I or Level II as appropriate;
  - (4) certify agreement to comply with all Division rules, including but not limited to the medical treatment guidelines, permanent impairment rating guidelines, and utilization standards adopted by the Director, and all relevant statutes.
  - (5) submit his/her first three (3) impairment rating reports to the Division following initial accreditation. Physicians who re-accredit must submit to the Division at least three (3) impairment reports during the three-year period following their reaccreditation. All such impairment rating reports may include Division Independent Medical Examination reports. A physician may not reaccredit until

and unless this requirement is met, unless the physician has been unable to complete three impairment ratings during the three-year period for good cause as determined by the Director, and has met any other similar report requirement the Director may substitute. The purpose of providing these impairment reports is for education and feedback to the physician, and to assist the Division in examining its curriculum. Any correspondence or communication regarding this process is confidential and shall not be subject to discovery or examination by any person.

#### 13-4 REVOCATION OF ACCREDITATION

- (A) The Director, with input from the Medical Director, may initiate proceedings to revoke a Level I or Level II Accreditation on any of the following grounds:
  - (1) Refusal to comply, substantial failure to comply, or two or more incidents of failure to comply with the provisions of these Workers' Compensation Rules of Procedure and all relevant statutes.
  - (2) a misrepresentation on the application for accreditation, or
  - (3) by final order of the Director in a proceeding held pursuant to §8-43-501, C.R.S., where the reviewing panel has unanimously recommended that accreditation be revoked.
- (B) The severity of any sanctions taken under these rules shall reflect the character of the failure and the attendant circumstances.
- (C) A proceeding to revoke a Level I or Level II Accreditation may be initiated by the Director, with input from the medical director, with referral for a hearing before an administrative law judge.
- (D) Following a hearing before an administrative law judge to revoke a physician's accreditation, the administrative law judge shall render proposed findings of fact and conclusions of law, and then make recommendations to the Director, who shall enter an order in the case.