

# DEPARTMENT OF LABOR AND EMPLOYMENT

## Division of Workers' Compensation

7 CCR 1101-3

### WORKERS' COMPENSATION RULES OF PROCEDURE

#### Rule 13 Provider Accreditation of Physicians

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

(A) This rule ~~is promulgated to~~ implements and establishes procedures for the provider physicians accreditation program ~~as set forth in § 8-42-101(3.5) and (3.6), C.R.S., as well as statute, to educate the providers about provide physicians with an understanding of~~ their administrative, legal, and medical roles in the Colorado workers' compensation system. Accreditation requirements ~~established~~ shall apply to:

(1) ~~Provider~~ physicians who seek Level I or Level II accreditation under § 8-42-101(3.5) and (3.6), C.R.S. ~~the Act~~;

~~and~~

(2) Physicians providing permanent impairment evaluations 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 provider physician must:

~~—~~(1) ~~be Qualified~~ under § 8-42-101(3.5), C.R.S. ~~the act~~;

~~—~~(2) ~~C~~complete an application form prescribed by the Division and pay the registration fee and in Level II cases, indicate if full accreditation or limited accreditation is sought;

~~—~~(3) ~~Complete attend the~~ Division Level I course 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

(4) ~~D~~demonstrate an understanding of the Divisionsuch materials by passing taking a Division-administered examination. If the provider does not exhibit sufficient knowledge upon taking the examination a second time, he or she must attend the seminar again prior to any further attempts at the examination. Additional fees may apply. administered by the Division; and

- ~~(54) certify Agreement to comply with all relevant statutes, Division rules, and all Division-issued guidance (including materials incorporated by reference); 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. (6) The~~
- ~~(C) Accreditation begins on the date the provider physician passes successfully completes the accreditation examination. The accreditation~~
- ~~(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 provider Level I applicant passed successfully completed the Level I Accreditation examination.~~
- (B) To obtain Level II Accreditation, a physician must:
- (1) Receive Level I accreditation. However, a physician who received his/her initial Level II accreditation before January 1, 2018 is exempt from this requirement.
  - (2) Qualify under § 8-42-101(3.5), C.R.S.:
  - (3) Complete an application form prescribed by the Division, pay the registration fee, and indicate if full or limited accreditation is sought;
  - (4) Complete the Division Level II course;
  - (5) Demonstrate an understanding of the Division materials (including the American Medical Association Guides to the Evaluation of Permanent Impairment, as incorporated by reference into § 8-42-101(3)(a)(I), C.R.S. ('AMA Guides')) by passing a Division-administered examination. If the provider does not exhibit sufficient knowledge upon taking the examination a second time, he or she must attend the seminar again prior to any further attempts at the examination. Additional fees may apply.
    - (i) Full Accreditation: A physician who passes the full Level II Accreditation examination shall be fully accredited to determine permanent impairment ratings on any work-related injury or illness.
    - (ii) Limited Accreditation: A physician who seeks Level II Accreditation to rate impairment only in connection with a specialty medical practice and who satisfactorily completes specified portions of the Level II

examination shall receive limited accreditation to determine permanent impairment ratings on the corresponding sections of the AMA Guides.

- (6) Agree to comply with all relevant statutes, Division rules, and all Division-issued guidance (including materials incorporated by reference).
- (7) Submit his/her first three (3) impairment rating reports deemed sufficient by the Division within 12 months of passing the Level II accreditation examination; and
- (8) Agree to the probationary one-year Level II accreditation period beginning on the date the physician passes the Level II accreditation examination. The probationary accreditation will expire if the physician fails to submit three (3) impairment rating reports deemed sufficient by the Division within one year of the examination. Non-probationary accreditation begins on the date the physician submits his/her first three (3) impairment rating reports deemed sufficient by the Division. The non-probationary accreditation expires on January 31<sup>ST</sup> of the third calendar year following the year the physician successfully completed the Level II 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 will attempt to notify shall provide accredited providers physicians not less than sixty (60) days written notice of impending expiration of their accreditation.
- (B) A provider physician who does not renew his or her 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 provider qualified physician must:
  - (1) be Qualified under § 8-42-101(3.5), C.R.S.the Act;
  - (2) Complete an application form prescribed by the Division, pay the registration fee, and, for Level II accreditation, indicate if full accreditation or limited reaccreditation is sought;

- (3) ~~C~~omplete the Division course requirements Reaccreditation Curriculum for the highest level of accreditation maintained Level I or Level II as appropriate;
- (4) ~~certify A~~greement to comply with all relevant statutes and 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; and.
- (5) For Level II reaccreditation only, submit submit his/her first three (3) impairment rating reports to the Division following initial accreditation. Physicians who re-accredit must submit to the Division one impairment rating report deemed sufficient by the Division (which may be a Division Independent Medical Examination report) for audit 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 an these impairment reports is to demonstrate an understanding of the requirements of a sufficient impairment rating report; to educate and provide for education and feedback to the physician; and, 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 SANCTIONS UPON REVOCATION OF ACCREDITATION

- (A) The Director, with input from the Medical Director, may initiate proceedings to sanction 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) Misrepresentation on the application for accreditation, or
  - (3) A unanimous recommendation to revoke accreditation by a reviewing panel by final order of the Director in a proceeding held pursuant to -§ 8-43-501(3)(c)(III) and (4), 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. Examples of sanctions include, but are not limited to, a suspension or a revocation of accreditation.
- (C) A proceeding to sanction 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.