

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0497.02 Kristen Forrester x4217

HOUSE BILL 16-1399

HOUSE SPONSORSHIP

Singer,

SENATE SPONSORSHIP

Newell,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A PROHIBITION ON THE DENIAL OF A WORKERS'
102 COMPENSATION CLAIM FOR MENTAL IMPAIRMENT BASED ON THE
103 OCCUPATION OF A WORKER.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

The bill clarifies that a workers' compensation claim for mental impairment may not be denied based on the occupation of the worker. Each claimant is required to be evaluated by a licensed, level II fully accredited physician, psychiatrist, or psychologist.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 8-41-301, **amend** (2)
3 (a) as follows:

4 **8-41-301. Conditions of recovery - definition.** (2) (a) A claim
5 of mental impairment must be proven by evidence supported by the
6 testimony of a licensed physician or psychologist. A CLAIM FOR MENTAL
7 IMPAIRMENT BENEFITS PURSUANT TO THIS SECTION MAY NOT BE DENIED
8 BASED SOLELY ON THE OCCUPATION OF THE WORKER. EACH CLAIMANT
9 MUST BE EVALUATED AS TO THAT INDIVIDUAL'S MEDICAL CONDITION BY
10 A COLORADO-LICENSED, LEVEL II FULLY ACCREDITED PHYSICIAN, A
11 LICENSED PSYCHIATRIST, OR A LICENSED PSYCHOLOGIST. For purposes of
12 this subsection (2), "mental impairment" means a recognized, permanent
13 disability arising from an accidental injury arising out of and in the course
14 of employment when the accidental injury involves no physical injury and
15 consists of a psychologically traumatic event that is generally outside of
16 a worker's usual experience and would evoke significant symptoms of
17 distress in a worker in similar circumstances. A mental impairment shall
18 not be considered to arise out of and in the course of employment if it
19 results from a disciplinary action, work evaluation, job transfer, layoff,
20 demotion, promotion, termination, retirement, or similar action taken in
21 good faith by the employer. The mental impairment that is the basis of the
22 claim shall have arisen primarily from the claimant's then occupation and
23 place of employment in order to be compensable.

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August

1 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2016 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.