

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 28, 2021

Committee on Business, Labor, & Technology.

After consideration on the merits, the Committee recommends the following:

SB21-197 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 3, strike lines 3 through 6 and substitute
2 "~~corporation, or partnership~~ IMMEDIATELY UPON RECEIPT OF NOTICE OF
3 AN ON-THE-JOB INJURY, BUT NOT MORE THAN SEVEN BUSINESS DAYS
4 AFTER RECEIPT OF NOTICE OF THE ON-THE-JOB INJURY, AN EMPLOYER OR
5 INSURER SHALL, IN WRITTEN VERIFIED FORM, PROVIDE AN INJURED
6 WORKER WITH NOTICE OF THE INJURED WORKER'S RIGHT TO DESIGNATE A
7 TREATING PHYSICIAN AND NOTIFY THE INJURED WORKER WHERE TO
8 ACCESS THE DIVISION'S LIST OF LEVEL I AND LEVEL II ACCREDITED
9 PHYSICIANS. THE DIRECTOR SHALL CREATE A FORM TO IMPLEMENT THE
10 PROCEDURE TO DESIGNATE A PHYSICIAN. THE".

11 Page 3, line 7, after "DESIGNATE" insert "ONLY".

12 Page 3, strike lines 21 through 27 and substitute "~~indicates to the~~
13 ~~employer or insurer to the contrary~~ IN AN EMERGENCY SITUATION, THE
14 INJURED EMPLOYEE SHALL BE TAKEN TO ANY PHYSICIAN OR HEALTH-CARE
15 FACILITY THAT IS ABLE TO PROVIDE THE NECESSARY CARE. WHEN
16 EMERGENCY CARE IS NO LONGER REQUIRED, SUBSECTION (5)(a)(I)(A) OF
17 THIS SECTION APPLIES. IMMEDIATELY UPON RECEIPT OF NOTICE THAT
18 EMERGENCY CARE IS NO LONGER REQUIRED, BUT NOT MORE THAN SEVEN
19 BUSINESS DAYS AFTER RECEIPT OF NOTICE THAT EMERGENCY CARE IS NO
20 LONGER REQUIRED, AN EMPLOYER OR INSURER SHALL, IN WRITTEN
21 VERIFIED FORM, NOTIFY THE INJURED EMPLOYEE OF THE INJURED
22 EMPLOYEE'S RIGHT TO DESIGNATE A TREATING PHYSICIAN AND NOTIFY THE

1 INJURED EMPLOYEE ABOUT HOW TO ACCESS THE DIVISION'S LIST OF LEVEL
2 I AND LEVEL II ACCREDITED PHYSICIANS."

3 Page 4, strike lines 1 through 8.

4 Page 4, line 9, strike "(E)" and substitute "(C)".

5 Page 4, line 22, after the period add "IF THE INJURED EMPLOYEE DECLINES
6 TO DESIGNATE A TREATING PHYSICIAN WITHIN ONE HUNDRED EIGHTY DAYS
7 AFTER THE DATE OF INJURY, THE EMPLOYER OR INSURER MAY DESIGNATE
8 A LEVEL I OR LEVEL II ACCREDITED PHYSICIAN LICENSED UNDER THE
9 "COLORADO MEDICAL PRACTICE ACT", ARTICLE 240 OF TITLE 12, AS THE
10 EMPLOYEE'S DESIGNATED TREATING PHYSICIAN."

11 Page 5, strike lines 23 through 27.

12 Strike pages 6 and 7.

13 Page 8, strike lines 1 through 3 and substitute:

14 ~~"(H)~~ (II) An employee may obtain a one-time change in the
15 designated authorized treating physician under this section by providing
16 notice that meets the following requirements:

17 (A) The notice is provided within ninety days after the date of the
18 ~~injury~~ EMPLOYEE'S FIRST PHYSICIAN DESIGNATION, but before the injured
19 ~~worker~~ EMPLOYEE reaches maximum medical improvement;

20 (B) The notice is in writing and submitted on a form designated
21 by the director. The notice provided in this ~~subparagraph (H)~~ shall
22 SUBSECTION (5)(a)(II) MUST also simultaneously serve as a request and
23 authorization to the initially authorized treating physician to release all
24 relevant medical records to the newly authorized treating physician.

25 (C) The notice is directed to the ~~insurance carrier~~ INSURER or to
26 the employer's authorized representative, if self-insured, and to the
27 initially authorized treating physician and is deposited in the United States
28 mail or hand-delivered to the employer, who shall notify the ~~insurance~~
29 ~~carrier~~ INSURER, if necessary, and the initially authorized treating
30 physician;

31 (D) The new physician is ~~on the employer's designated list or~~
32 ~~provides medical services for a designated corporate medical provider on~~
33 ~~the list~~ A LEVEL I OR LEVEL II ACCREDITED PHYSICIAN LICENSED UNDER
34 THE "COLORADO MEDICAL PRACTICE ACT", ARTICLE 240 OF TITLE 12;



1 (E) The transfer of medical care does not pose a threat to the
2 health or safety of the injured employee;

3 (F) An ~~insurance carrier~~ INSURER, or an employer's authorized
4 representative if the employer is self-insured, shall track how often
5 injured employees change their authorized treating physician pursuant to
6 this ~~subparagraph~~ (H) SUBSECTION (5)(a)(II) and shall report such
7 information to the division upon request.

8 ~~(IV)~~ (III) (A) When an injured employee changes his or her
9 designated authorized treating physician, the newly authorized treating
10 physician shall make a reasonable effort to avoid any unnecessary
11 duplication of medical services.

12 (B) The originally authorized treating physician shall send all
13 medical records in his or her possession pertaining to the injured
14 employee to the newly authorized treating physician within seven
15 calendar days after receiving a request for medical records from the newly
16 authorized treating physician.

17 (C) The originally authorized treating physician shall continue as
18 the authorized treating physician for the injured employee until the
19 injured employee's initial visit with the newly authorized treating
20 physician, at which time the treatment relationship with the initially
21 authorized treating physician shall terminate.

22 (D) The opinion of the originally authorized treating physician
23 regarding work restrictions and return to work shall control unless and
24 until such opinion is expressly modified by the newly authorized treating
25 physician.

26 (E) The newly authorized treating physician shall be presumed to
27 have consented to treat the injured employee unless the newly authorized
28 treating physician expressly refuses in writing within five days after the
29 date of the notice to change authorized treating physicians. If the newly
30 authorized treating physician refuses to treat the injured employee, the
31 employee may ~~return to the employer to request an alternative authorized~~
32 ~~treating physician If the employer does not provide an alternative~~
33 ~~authorized treating physician within five days after the employee's~~
34 ~~request, rules established by the division shall control~~ WHO IS A LEVEL I
35 OR LEVEL II ACCREDITED PHYSICIAN LICENSED UNDER THE "COLORADO
36 MEDICAL PRACTICE ACT", ARTICLE 240 OF TITLE 12.

37 ~~(V)~~ (IV) If the authorized treating physician moves from one
38 facility to another, or from one corporate medical provider to another, an
39 injured employee may continue care with the authorized treating
40 physician, and the original facility or corporate medical provider shall
41 provide the injured employee's medical records to the authorized treating

1 physician within seven days after receipt of a request for medical records
2 from the authorized treating physician.

3 ~~(VI)~~ (V) (A) In addition to the one-time change of physician
4 allowed in subparagraph ~~(H)~~ of this paragraph ~~(a)~~ SUBSECTION (5)(a)(II)
5 OF THIS SECTION, upon written request".

6 Page 9, line 6, strike "(5)(a)(II)(A)" and substitute "(5)(a)(V)(A)".

7 Page 9, line 14, strike "(5)(a)(II)" and substitute "(5)(a)(V)".

8 Page 9, line 19, strike "(5)(a)(II)(A)" and substitute "(5)(a)(V)(A)".

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