

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB21-197 be amended as follows:

1 Amend printed bill, page 3 strike lines 6 through 27.

2 Strike page 4.

3 Page 5, strike line 1 and substitute "PHYSICIAN DESIGNATION FORM
4 PRESCRIBED BY THE DIRECTOR.

5 ~~(B) If there are fewer than four physicians or corporate medical~~
6 ~~providers within thirty miles of the employer's place of business who are~~
7 ~~willing to treat an injured employee, the employer or insurer may instead~~
8 ~~designate one physician or one corporate medical provider, and~~
9 ~~subparagraphs (III) and (IV) of this paragraph (a) shall not apply. A~~
10 ~~physician is presumed willing to treat injured workers unless he or she~~
11 ~~indicates to the employer or insurer to the contrary~~ If THE EMPLOYER OR
12 INSURER OFFERS MANAGED CARE, AS DEFINED IN SECTION 8-42-101
13 (3.6)(p)(I)(B), THE INJURED EMPLOYEE MAY DESIGNATE A PHYSICIAN
14 FROM THE MANAGED CARE NETWORK AS THE TREATING PHYSICIAN. IF THE
15 INJURED EMPLOYEE DOES NOT COMPLETE AN AUTHORIZED TREATING
16 PHYSICIAN DESIGNATION FORM TO SELECT A PHYSICIAN FROM THE
17 NETWORK AND PROVIDE IT TO THE EMPLOYER OR INSURER WITHIN THREE
18 BUSINESS DAYS AFTER RECEIVING THE FORM, OR IF THE INJURED EMPLOYEE
19 NOTIFIES THE EMPLOYER OR INSURER THAT THE INJURED EMPLOYEE DOES
20 NOT DESIRE TO DESIGNATE A TREATING PHYSICIAN, THEN THE EMPLOYER
21 OR INSURER SHALL DESIGNATE A TREATING PHYSICIAN FROM THE
22 MANAGED CARE NETWORK. WITHIN NINETY DAYS AFTER THE DATE OF THE
23 INJURY, BUT BEFORE REACHING MAXIMUM MEDICAL IMPROVEMENT, THE
24 INJURED EMPLOYEE MAY OBTAIN A ONE-TIME CHANGE IN THE DESIGNATED
25 AUTHORIZED TREATING PHYSICIAN TO ANOTHER PHYSICIAN FROM THE
26 MANAGED CARE NETWORK BY NOTIFYING THE EMPLOYER OR INSURER AND
27 THE ORIGINAL AUTHORIZED TREATING PHYSICIAN ON A FORM PRESCRIBED
28 BY THE DIRECTOR. THE DESIGNATED TREATING PHYSICIAN MUST HAVE AN
29 OFFICE LOCATION WITHIN THIRTY MILES OF THE INJURED EMPLOYEE'S
30 PLACE OF RESIDENCE, OR AS CLOSE THERETO AS PRACTICABLE.

31 ~~(C) If there are more than three physicians or corporate medical~~
32 ~~providers, but fewer than nine physicians or corporate medical providers~~
33 ~~within thirty miles of the employer's place of business who are willing to~~
34 ~~treat an injured employee, the employer or insurer may instead designate~~
35 ~~two physicians or two corporate medical providers or any combination~~
36 ~~thereof. The two designated providers shall be at two distinct locations~~
37 ~~without common ownership. If there are not two providers at two distinct~~
38 ~~locations without common ownership within thirty miles of the~~
39 ~~employer's place of business, then an employer may designate two~~

1 ~~providers at the same location or with shared ownership interests. Upon~~
2 ~~request by an interested party to the workers' compensation claim, a~~
3 ~~designated provider on the employer's list shall provide a list of~~
4 ~~ownership interests and employment relationships, if any, to the~~
5 ~~requesting party within five days of the receipt of the request~~ If THE
6 EMPLOYER OR INSURER DOES NOT OFFER MANAGED CARE, AS DEFINED IN
7 SECTION 8-42-101 (3.6)(p)(I)(B), THE INJURED EMPLOYEE MAY DESIGNATE
8 AS THE TREATING PHYSICIAN, FROM A LIST MAINTAINED BY THE DIRECTOR,
9 A LEVEL I OR LEVEL II ACCREDITED PHYSICIAN WITH EXPERIENCE IN
10 OCCUPATIONAL MEDICINE LICENSED UNDER THE "COLORADO MEDICAL
11 PRACTICE ACT", ARTICLE 240 OF TITLE 12. IF THE INJURED EMPLOYEE
12 DOES NOT COMPLETE AN AUTHORIZED TREATING PHYSICIAN DESIGNATION
13 FORM TO SELECT A PHYSICIAN AND PROVIDE IT TO THE EMPLOYER OR
14 INSURER WITHIN THREE BUSINESS DAYS AFTER RECEIVING THE FORM, OR
15 IF THE INJURED EMPLOYEE NOTIFIES THE EMPLOYER OR INSURER THAT THE
16 INJURED EMPLOYEE DOES NOT DESIRE TO DESIGNATE A TREATING
17 PHYSICIAN, THEN THE EMPLOYER OR INSURER SHALL DESIGNATE AS THE
18 TREATING PHYSICIAN, FROM A LIST MAINTAINED BY THE DIRECTOR, A
19 LEVEL I OR LEVEL II ACCREDITED PHYSICIAN WITH EXPERIENCE IN
20 OCCUPATIONAL MEDICINE LICENSED UNDER THE "COLORADO MEDICAL
21 PRACTICE ACT", ARTICLE 240 OF TITLE 12. WITHIN NINETY DAYS AFTER
22 THE DATE OF THE INJURY, BUT BEFORE REACHING MAXIMUM MEDICAL
23 IMPROVEMENT, THE INJURED EMPLOYEE MAY OBTAIN A ONE-TIME CHANGE
24 IN THE DESIGNATED AUTHORIZED TREATING PHYSICIAN TO A NEW LEVEL
25 I OR LEVEL II ACCREDITED PHYSICIAN LICENSED UNDER THE "COLORADO
26 MEDICAL PRACTICE ACT", ARTICLE 240 OF TITLE 12, BY NOTIFYING THE
27 EMPLOYER OR INSURER AND THE ORIGINAL AUTHORIZED TREATING
28 PHYSICIAN ON A FORM PRESCRIBED BY THE DIRECTOR. THE DESIGNATED
29 TREATING PHYSICIAN MUST HAVE AN OFFICE LOCATION WITHIN THIRTY
30 MILES OF THE INJURED EMPLOYEE'S PLACE OF RESIDENCE, OR AS CLOSE
31 THERETO AS PRACTICABLE.

32 (D) ~~Except as otherwise provided by sub-subparagraph (E) of this~~
33 ~~subparagraph (I), any party may request an expedited hearing on the issue~~
34 ~~of whether the employer or insurer provided a list in compliance with this~~
35 ~~subsection (5) if the application for expedited hearing is filed within~~
36 ~~forty-five days after the claimant provides notice of the injury to the~~
37 ~~employer~~ If AN INJURED EMPLOYEE IS PERMITTED TO CHANGE PHYSICIANS
38 UNDER SUBSECTION (5)(a)(I)(B) OR (5)(a)(II)(A) OF THIS SECTION,
39 RESULTING IN A NEW AUTHORIZED TREATING PHYSICIAN WHO WILL
40 PROVIDE PRIMARY CARE FOR THE INJURED EMPLOYEE , THEN THE
41 PREVIOUSLY AUTHORIZED TREATING PHYSICIAN PROVIDING PRIMARY CARE
42 SHALL CONTINUE AS THE AUTHORIZED TREATING PHYSICIAN PROVIDING
43 PRIMARY CARE FOR THE INJURED EMPLOYEE UNTIL THE INJURED
44 EMPLOYEE'S INITIAL VISIT WITH THE NEWLY AUTHORIZED TREATING
45 PHYSICIAN, AT WHICH TIME THE TREATMENT RELATIONSHIP WITH THE

1 PREVIOUSLY AUTHORIZED TREATING PHYSICIAN PROVIDING PRIMARY CARE
2 IS TERMINATED. IF AN INJURED EMPLOYEE IS PERMITTED TO CHANGE
3 PHYSICIANS UNDER SUBSECTION (5)(a)(I)(B) OR (5)(a)(II)(A) OF THIS
4 SECTION, RESULTING IN A NEW AUTHORIZED TREATING PHYSICIAN WHO
5 WILL PROVIDE PRIMARY CARE FOR THE INJURED EMPLOYEE, THE OPINION
6 OF THE PREVIOUSLY AUTHORIZED TREATING PHYSICIAN PROVIDING
7 PRIMARY CARE REGARDING WORK RESTRICTIONS AND RETURN TO WORK
8 CONTROLS UNLESS THAT OPINION IS EXPRESSLY MODIFIED BY THE NEWLY
9 AUTHORIZED TREATING PHYSICIAN."

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