



Summary of 2014 Workers Compensation Legislation

4/16/14

Background:

The 2014 workers compensation legislation is being pursued by AFL-CIO based on concerns that injured workers are not receiving adequate doctor choice for on-the-job injuries. Discussions regarding AFL's legislative interests began in August 2013 (nine months ago) through three stakeholder meetings held by the CO Dept. of Labor & Employment.

In anticipation of the 2014 legislation, CACI began convening the Workers Compensation Employer Coalition in January, 2014 to ensure that Colorado employers had a strong and coordinated voice on this issue. The coalition has grown to over 35 companies and business organizations that serve businesses across the state.

Development of 2014 Legislation:

After working within the coalition and with AFL over the last 9 months, two problematic provisions of AFL's original three-part workers compensation proposal have been **eliminated** which include:

- 1) Increasing an injured worker's workers compensation benefits by 50% if the injury was caused by an employer's serious and willful misconduct.

[Concerns: A change in the current statute on worker safety could create increased litigation for employers who must defend claims by workers that an employer put them in an unsafe working environment];

- 2) Requiring the Dept. of Labor & Employment to track employment separation agreements reached between an injured worker and an employer.

[Concerns: Requiring the State to track these agreements creates an opportunity for legislators to use that data and attempt to eliminate separation agreements through future legislation. Additional concerns have been raised regarding the potential for proprietary information between an employer and worker could be exposed].

The bill as introduced **DOES NOT** include the above provisions that the WC Employer Coalition opposed. Instead, the bill is focused only on a change in current statute regarding doctor choice. This language has been developed through the efforts of the WC Employer Coalition to ensure that employers can maintain their authority of assigning doctors for their workers while avoiding increased WC premiums, and providing flexibility for employers in rural areas. The AFL-CIO originally wanted the injured worker to pick the doctor. This legislation ensures that the employer maintains that selection.

A comparative of current law and the 2014 legislation is provided below:

Policy Category	Current Law	2014 Bill
Doctor Choice Pool	Employer/Insurer assigns 2 physicians/corporate medical providers. Worker selects 1	Employer/Insurer assigns 4 physicians/corporate medical providers. Worker selects 1
One Time Change of Physician	Worker may make a one-time change within 90 days or until they reach MMI. Worker selects other doctor from original list of 2	Worker may make a one-time change within 90 days or until they reach MMI. Worker selects 1 of other 3 doctors from original list
Common Ownership Language	2 designated physicians must be of separate ownership unless there are not 2 physicians with separate ownership with 30 miles of employer's place of business in which case they can assign 2 designated physicians with common ownership	At least 1 of 4 designated physicians must be of separate ownership. If there are not at least two physicians with separate ownership within 30 miles of employer's place of business they can assign all physicians
Rural Exemption on Doctor Choice	If there are fewer than 4 physicians within 30 miles of employer's place of business, employer/insurer may assign 1 physician.	Two Tier Exemption: 1) If there are fewer than 4 physicians within 30 miles of employer's place of business, employer/insurer may assign 1 physician. 2) If there are more than 3 but fewer than 9 physicians within a 30 mile radius of the employer's place of business, employer/insurer may provide choice of 2 physicians (not greater than current law)

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