

BILL RITTER
Governor

DON MARES
Executive Director

BOB SUMMERS
Director



DEPARTMENT OF LABOR AND EMPLOYMENT

DIVISION OF WORKERS' COMPENSATION
Director's Office

633 17th St. Suite 400
Denver, Colorado 80202
303.318-8014 FAX 303-318-8632
<http://www.coworkforce.com/DWC/>

STATEMENT OF EMERGENCY BASIS AND PURPOSE FOR ADOPTION OF TO RULES 8-8 THOUGH 8-13 OF THE WORKERS' COMPENSATION RULES OF PROCEDURE, 7 C.C.R. 1101-3

Basis: Senate Bill 09-168 is effective for workers' compensation claims filed on or after August 5, 2009. Among other changes, that Bill added language to section 8-43-404 regarding independent medical examinations. As pertinent here, the statute was amended to require an audio recording of the examinations. In addition, the language was added to the statute stating: "The Division shall promulgate rules regarding such recordings that shall include provisions for the protection of the audio recordings and the privacy of information contained in such recordings."

The Director of the Division of Workers' Compensation is charged with administering the workers' compensation system, section 8-47-101. In addition to the above specific directive, the Director has the power to adopt reasonable and proper rules, section 8-47-107.

Purpose: A rulemaking hearing was conducted and rules 8-8 through 8-13 were developed to comply with the above statutory directive. Due to the various mandatory timeframes involved in adopting a permanent rule, permanent rules cannot be in place before the effective date of the legislation. In order to avoid a gap and to have rules in place to comply with state law, adoption of rules on an emergency basis is necessary.

Accordingly, I find that immediate adoption of these rules is imperatively necessary to comply with state law, and compliance with section 24-4-103, C.R.S. would be contrary to the public interest. This emergency rule will be in effect from August 5, 2009 through November 1, 2009.

Dated this 30th day of July, 2009

Bob Summers, Director
Division of Workers' Compensation