

# DEPARTMENT OF LABOR AND EMPLOYMENT

## Division of Workers' Compensation

7 CCR 1101-3

### WORKERS' COMPENSATION RULES OF PROCEDURE

#### **RULE 8 AUTHORIZED TREATING PHYSICIAN**

##### 8-1 INITIAL REFERRAL

- (A) WHEN AN EMPLOYER HAS NOTICE OF AN ON THE JOB INJURY, THE EMPLOYER OR INSURER SHALL PROVIDE THE INJURED WORKER WITH A WRITTEN LIST IN COMPLIANCE WITH §8-43-404(5)(A)(1)(A), THAT FOR PURPOSES OF THIS RULE 8 WILL BE REFERRED TO AS THE DESIGNATED PROVIDER LIST, FROM WHICH THE INJURED WORKER MAY SELECT A PHYSICIAN OR CORPORATE MEDICAL PROVIDER. THE EMPLOYER SHALL INCLUDE ON THE WRITTEN DESIGNATED PROVIDER LIST THE NAME AND CONTACT INFORMATION OF THE EMPLOYER'S AUTHORIZED REPRESENTATIVE AS WELL AS THE NAME AND CONTACT INFORMATION OF THE INSURER. THE NAME AND CONTACT INFORMATION OF A THIRD PARTY ADMINISTRATOR MAY BE SUBSTITUTED WHEN APPROPRIATE.
- (B) IN AN EMERGENCY SITUATION THE INJURED WORKER SHALL BE TAKEN TO ANY PHYSICIAN OR MEDICAL FACILITY THAT IS ABLE TO PROVIDE THE NECESSARY CARE. WHEN EMERGENCY CARE IS NO LONGER REQUIRED THE PROVISIONS OF PARAGRAPH (A) OF THIS RULE APPLY.
- (C) IF THE INJURED WORKER IS AWAY FROM HIS/HER USUAL PLACE OF EMPLOYMENT AT THE TIME OF AN INJURY, THE INJURED WORKER MAY BE REFERRED TO A PHYSICIAN WHO CAN ATTEND TO THE INJURY IN THE VICINITY OF WHERE THE INJURY OCCURRED. WITHIN SEVEN (7) BUSINESS DAYS OF THE DATE THE EMPLOYER HAS NOTICE OF THE INJURY THE EMPLOYER SHALL COMPLY WITH THE PROVISIONS OF PARAGRAPH (A) OF THIS RULE.
- (D) THE LIST OF PHYSICIAN(S) OR CORPORATE MEDICAL PROVIDER(S) FROM WHICH THE INJURED WORKER MAY SELECT CAN INITIALLY BE PROVIDED TO THE INJURED WORKER VERBALLY OR THROUGH AN EFFECTIVE PRE-INJURY DESIGNATION. IF PROVIDED VERBALLY OR THROUGH A PRE-INJURY DESIGNATION A WRITTEN DESIGNATED PROVIDER LIST SHALL BE MAILED, HAND-DELIVERED OR FURNISHED IN SOME OTHER VERIFIABLE MANNER TO THE INJURED WORKER WITHIN SEVEN (7) BUSINESS DAYS OF THE DATE THE EMPLOYER HAD NOTICE OF THE INJURY.
- (E) IF THE EMPLOYER FAILS TO COMPLY WITH THIS RULE 8-1 THE INJURED WORKER MAY SELECT AN AUTHORIZED TREATING PHYSICIAN OF HIS/HER CHOOSING.

8-2 INFORMATION PROVIDED BY DESIGNATED PROVIDERS

- (A) AN INTERESTED PARTY FOR PURPOSES OF THIS RULE 8-2 REFERS TO THE PARTIES TO A PARTICULAR CLAIM WHICH SHALL INCLUDE THE INJURED WORKER; THE ATTORNEYS OF RECORD, THE EMPLOYER, THE INSURER, AND ANY THIRD PARTY ADMINISTRATOR AUTHORIZED TO HANDLE THE SPECIFIC CLAIM.
  
- (B) IN ORDER TO PROVIDE INFORMATION TO ASSIST IN CHOOSING A PHYSICIAN OR DECIDING TO CHANGE PHYSICIANS, AN INTERESTED PARTY IS ENTITLED TO RECEIVE A LIST OF OWNERSHIP INTERESTS AND EMPLOYMENT RELATIONSHIPS, IF ANY, BY MAKING A WRITTEN REQUEST FOR SUCH INFORMATION FROM A DESIGNATED PROVIDER. A COPY OF THE WRITTEN REQUEST MUST BE PROVIDED TO THE EMPLOYER'S REPRESENTATIVE. A PHYSICIAN WHO PROVIDES MEDICAL SERVICES ON BEHALF OF A CORPORATE MEDICAL PROVIDER, BUT DOES NOT ACT AS A PRIMARY CARE PHYSICIAN, IS NOT SUBJECT TO THIS PROVISION. A FORM PROVIDED BY THE DIVISION SHALL BE USED TO PROVIDE THIS INFORMATION.
  - 1) THE PHYSICIAN SHALL UPDATE HIS/HER LIST OF OWNERSHIP INTERESTS AND EMPLOYMENT RELATIONSHIPS WITHIN THIRTY (30) DAYS OF A CHANGE TO EITHER.
  - 2) IF THE FORM IS NOT PROVIDED BY THE EMPLOYER OR INSURER AND AN INTERESTED PARTY REQUESTS SUCH INFORMATION FROM A DESIGNATED PROVIDER, THE FORM SHALL BE PROVIDED WITHIN FIVE (5) BUSINESS DAYS OF THE REQUEST.
  - 3) IF THE INFORMATION REFERENCED IN THIS PARAGRAPH (B) IS PROVIDED NO FOLLOW-UP QUESTIONS OR REQUEST FOR ADDITIONAL INFORMATION SHALL BE PERMITTED, EXCEPT FOR INFORMATION ALLOWED PURSUANT TO A HEARING OR DISCOVERY PROCESS.
  
- (C) IF THE INFORMATION REFERENCED IN PARAGRAPH (B) OF THIS RULE 8-2 IS NOT PROVIDED IN A TIMELY MANNER, THE INTERESTED PARTY MAY NOTIFY THE EMPLOYER'S REPRESENTATIVE. UPON SUCH NOTIFICATION THE EMPLOYER OR INSURER SHALL FURNISH THE INJURED WORKER WITH A SUBSTITUTE DESIGNATED PROVIDER WITHIN SEVEN (7) BUSINESS DAYS OF NOTICE THAT THE INFORMATION WAS NOT TIMELY PROVIDED. IF A SUBSTITUTE DESIGNATED PROVIDER IS NOT TIMELY FURNISHED THE INJURED WORKER MAY SELECT AN AUTHORIZED TREATING PHYSICIAN OF HIS/HER CHOOSING.

8-3 ON-SITE HEALTH CARE FACILITY

- (A) IF AN EMPLOYER HAS A QUALIFIED ON-SITE HEALTH CARE FACILITY, THE EMPLOYER MAY REFER AN INJURED WORKER TO THAT FACILITY FOR MEDICAL CARE.
  
- (B) TO BE A QUALIFIED ON-SITE HEALTH CARE FACILITY UNDER THIS RULE 8-3, THE ON-SITE FACILITY MUST BE UNDER THE SUPERVISION AND CONTROL OF A PHYSICIAN, AND A PHYSICIAN MUST BE ON THE PREMISES OR REASONABLY AVAILABLE.

- (C) IF THE EMPLOYER REFERS AN INJURED WORKER TO AN ON-SITE HEALTH CARE FACILITY THE EMPLOYER MUST, WITHIN SEVEN (7) BUSINESS DAYS OF NOTICE OF AN ON THE JOB INJURY, PROVIDE THE INJURED WORKER WITH A DESIGNATED PROVIDER LIST CONTAINING AT LEAST ONE PHYSICIAN OR CORPORATE MEDICAL PROVIDER. THE LIST SHALL ALSO INCLUDE THE NAME AND CONTACT INFORMATION OF THE EMPLOYER'S AUTHORIZED REPRESENTATIVE, AS WELL AS THE NAME AND CONTACT INFORMATION OF THE INSURER AND/OR THIRD PARTY ADMINISTRATOR. WHILE THE ON-SITE HEALTH CARE FACILITY SHALL BE THE INITIAL AUTHORIZED MEDICAL PROVIDER, THE INJURED WORKER MAY THEREAFTER CHANGE TO A PHYSICIAN ON THE DESIGNATED PROVIDER LIST IF THE INJURED WORKER COMPLIES WITH ALL STATUTORY AND RULE REQUIREMENTS FOR THE ONE TIME CHANGE OF PHYSICIANS.

#### 8-4 ONE-TIME CHANGE OF AUTHORIZED TREATING PHYSICIAN

- (A) WITHIN NINETY (90) DAYS OF THE DATE OF INJURY, BUT BEFORE REACHING MAXIMUM MEDICAL IMPROVEMENT, AN INJURED WORKER MAY REQUEST A ONE-TIME CHANGE OF AUTHORIZED PHYSICIAN. THE NEW PHYSICIAN MUST BE A PHYSICIAN ON THE DESIGNATED PROVIDER LIST OR PROVIDE MEDICAL SERVICES FOR A DESIGNATED CORPORATE MEDICAL PROVIDER ON THE LIST. THE MEDICAL PROVIDERS TO WHOM THE INJURED WORKER MAY CHANGE ARE DETERMINED BY THE LIST GIVEN TO THE INJURED WORKER PURSUANT TO RULE 8-1(A) OR 8-3(C).
- (B) TO MAKE A CHANGE PURSUANT TO THIS RULE 8-4 THE INJURED WORKER MUST COMPLETE AND SIGN THE FORM DESIGNATED BY THE DIVISION. THE INJURED WORKER IS TO MAIL, HAND-DELIVER OR OTHERWISE TRANSMIT IN A VERIFIABLE MANNER THE COMPLETED FORM TO THE CURRENT AUTHORIZED TREATING PHYSICIAN, THE PHYSICIAN THE INJURED WORKER HAS SELECTED TO BECOME THE NEW AUTHORIZED TREATING PHYSICIAN, AND TO THE EMPLOYER'S REPRESENTATIVE AND INSURER LISTED ON THE DESIGNATED PROVIDER LIST GIVEN TO THE INJURED WORKER PURSUANT TO RULE 8-1(A) OR 8-3(C).
- (C) AN INJURED WORKER MAY OBTAIN A ONE TIME CHANGE OF PHYSICIAN BY PROVIDING NOTICE THAT MEETS THE REQUIREMENTS SET OUT IN STATUTE. IF THE INSURER BELIEVES THE NOTICE DOES NOT MEET STATUTORY REQUIREMENTS AND IT DOES NOT WANT TO RECOGNIZE THE CHANGE OF PHYSICIANS IT MUST PROVIDE WRITTEN NOTICE TO ALL PARTIES WITHIN SEVEN (7) BUSINESS DAYS OF RECEIVING THE FORM REFERENCED IN PARAGRAPH B. THE WRITTEN NOTICE SHALL SET OUT THE REASON(S) FOR ITS BELIEF THAT THE NOTICE DOES NOT MEET STATUTORY REQUIREMENTS. OTHERWISE, THE INJURED WORKER'S REQUEST TO CHANGE PHYSICIANS MUST BE PROCESSED AND THE NEW PHYSICIAN CONSIDERED AN AUTHORIZED TREATING PHYSICIAN AS OF THE TIME OF THE INITIAL VISIT WITH THE NEW PHYSICIAN.
  - 1) IF WRITTEN NOTICE IS PROVIDED AND THE PARTIES ARE IN DISPUTE THEY MAY FILE A MOTION OR, IF THERE IS A FACTUAL DISPUTE REQUIRING A HEARING, THE PARTIES MAY REQUEST THAT THE HEARING BE SET ON AN EXPEDITED BASIS.

8-5 TRANSFER OF MEDICAL CARE

- (A) WHEN THERE IS A CHANGE OF AUTHORIZED PHYSICIANS, THE PHYSICIAN WHO HAD BEEN THE AUTHORIZED PHYSICIAN REMAINS AUTHORIZED AND IS EXPECTED TO PROVIDE NECESSARY CARE UNTIL THE INJURED WORKER'S INITIAL VISIT WITH THE NEW AUTHORIZED PHYSICIAN.
- (B) THE INSURER MAY FACILITATE THE TRANSFER OF MEDICAL RECORDS TO THE NEW AUTHORIZED PHYSICIAN. OTHERWISE, THE NEW AUTHORIZED PHYSICIAN SHOULD REQUEST MEDICAL RECORDS FROM THE PREVIOUS PHYSICIAN AS SOON AS PRACTICAL. UPON SUCH A REQUEST THE PREVIOUS PHYSICIAN SHALL PROVIDE THE MEDICAL RECORDS TO THE NEW PHYSICIAN WITHIN SEVEN (7) CALENDAR DAYS OF RECEIVING THE REQUEST. IF ANY COPYING IS NECESSARY THE INSURER SHALL PAY FOR THE COPIES CONSISTENT WITH THE MEDICAL FEE SCHEDULE.
- (C) THE INSURER MAY SCHEDULE AN APPOINTMENT FOR THE INJURED WORKER WITH THE NEW AUTHORIZED PHYSICIAN. IF FOR ANY REASON THE INJURED WORKER IS UNABLE TO SCHEDULE AN APPOINTMENT WITH THE NEW AUTHORIZED PHYSICIAN THE INJURED WORKER SHALL NOTIFY THE INSURER. UPON RECEIVING SUCH A NOTIFICATION THE INSURER SHALL FACILITATE THE SCHEDULING OF AN APPOINTMENT, WHICH SHALL BE SCHEDULED TO TAKE PLACE WITHIN THIRTY (30) DAYS OF THE DATE OF NOTIFICATION. IF THE INSURER CANNOT SCHEDULE A TIMELY APPOINTMENT AND THE INJURED WORKER DOES NOT AGREE TO A LATER APPOINTMENT, THE INSURER SHALL PROVIDE THE INJURED WORKER WITH AN ALTERNATIVE PHYSICIAN WHO SHALL BECOME THE AUTHORIZED TREATING PHYSICIAN. IF THE INSURER FAILS TO GET AN APPOINTMENT SCHEDULED OR TO AUTHORIZE A NEW PHYSICIAN IN A TIMELY MANNER, THE RIGHT TO SELECT AN AUTHORIZED PHYSICIAN SHALL TRANSFER TO THE INJURED WORKER.

8-6 CHANGE OF MEDICAL PROVIDER

IN ADDITION AND SEPARATELY FROM ALL THE OTHER PROVISIONS OF THIS RULE 8, AN INJURED WORKER MAY SUBMIT A WRITTEN REQUEST TO CHANGE PHYSICIANS PURSUANT TO 8-43-404(5)(A)(VI). ALL THE PROVISIONS IN THIS RULE 8 RELATING TO A ONE-TIME CHANGE OF PHYSICIAN DO NOT APPLY TO THAT CHANGE OF PHYSICIAN PROCESS.