

BILL RITTER, JR.
Governor

DONALD J. MARES
Executive Director

BOB SUMMERS
Director



DEPARTMENT OF LABOR AND EMPLOYMENT

DIVISION OF WORKERS' COMPENSATION

633 17th Street
Suite 400
Denver, Colorado 80202-3660

Information Regarding Change of Physician In Workers' Compensation Claims

Effective January 1, 2008, substantive changes to the Workers' Compensation Act concerning the designation of treating physicians went into effect. These changes require that most employers give an injured worker a choice of physicians, §8-43-404(5)(a)(I)(A). An injured worker who receives a choice of physicians also has the right to a one-time change of physicians as long as the request is made within 90 days of the date of injury and before the injured worker reaches maximum medical improvement, §8-43-404(5)(a)(III)(A). In addition, an injured worker can make a written request to the insurance carrier, or the employer if self-insured, to change physicians, §8-43-404(5)(a)(VI). If the request is not denied within 20 days it is deemed approved.

In connection with the right to a one-time change of physician, §8-43-404(5)(a)(III)(F), directs that insurers "shall track how often injured employees change their authorized treating physician pursuant to this subparagraph (III) and shall report such information to the division upon request." Regarding the right to make a written request to change physicians, §8-43-404(5)(a)(VI), directs that insurers "shall track how often an injured employee requests to change his or her physician and how often such change is granted or denied and shall report such information to the division upon request."

Every Colorado carrier, over 200, or self-insured employer, over 100, who reported workers' compensation premium during 2007 was contacted, and each responded to our request for information. The division requested information regarding a change of physician that occurred during calendar year 2008. The information presented below is what was reported to the division. The division has no method to verify the accuracy of the information.

Carriers and self-insured employers reported **254** instances during calendar year 2008 in which an injured worker exercised the right for a one-time change of physician pursuant to §8-43-404(5)(a)(3). Carriers and self-insured employers reported **184** instances during calendar year 2008 of injured workers making a written request to change physicians pursuant to §8-43-404(5)(a)(VI); and that **52** of those requests were denied. It should also be noted that injured workers sometimes change physicians as a result of more informal discussions and requests. Those instances are not tracked and are not included in this report.

For some perspective on these numbers, there are over 100,000 workplace injuries in Colorado in a given year. Approximately 25% of those injuries are serious enough that the injured worker misses more than three days of work as a result of the injury.