

Employee Choice of Physician Legislation – HB1176

A bill passed by the Colorado legislature during the 2007 legislative session – HB 1176 – makes a significant change to the Colorado Workers' Compensation Act. This new law requires that the employer or insured must provide a list of at least two medical providers from which an injured employee may choose treatment in the event of a work-related injury. [This bill goes into effect on January 1, 2008.](#)

Bill Summary

- Employers must provide a list of at least two medical providers from which an injured employee may choose treatment in the event of a work-related injury.
- The two designated providers shall be at two distinct locations **without** common ownership. Employers can also select two physicians or one physician and one corporate medical facility or two separate corporate medical facilities.
- There are some exceptions to this law based on location, nature of the business being operated, or availability of on-site health care. (See details below.)
- An injured employee may make a one-time change in treating physician by providing notice within 90 days of the injury but before the injured worker reaches maximum medical improvement. The request must be in writing and submitted on the approved Division of Insurance form (not yet developed). The new provider must be on the employer's designated provider list.

Exceptions

- **Rural exemption** – If there are fewer than four physicians or corporate medical providers within thirty miles of the employer's place of business willing to treat an injured employee, the employer or insured may instead designate one physician or one corporate medical provider. A physician is presumed willing to treat injured workers unless he or she indicates to the employer to the contrary.
- **Employer Owned Medical Provider or Governmental Entity** – If the employer is a health care provider or a governmental entity that currently has its own occupational health care provider system, the employer may designate the health care provider from within its own system and is not required to provide an alternative physician or corporate medical provider.
- **On-site health care facility** – If the employer has its own on-site health care facility, the employer may designate such on-site health care facility as the designated treating physician.

The Division of Workers' Compensation is currently working on rule making regarding this bill.

In order to help our valued policyholders comply with this rule change, Pinnacol Assurance is developing easy-to-use processes and procedures to ensure a smooth transition. Additional information will be provided in ample time to ensure that all policyholders have made their election of an additional provider prior to the bill's effective date.

If you have questions, please contact your Pinnacol underwriter.