Table of Contents

CHAPTER 1. WHAT LAW GOVERNS

II. GENERAL PRINCIPLES

§ 1.11 Purpose of statute
§ 1.12 Exclusive remedy and immunity
§ 1.14 Indemnity Benefits (Disability)
§ 1.18 Statutory funds for benefits—Subsequent Injury Fund
§ 1.19 Statutory funds for benefits—Subsequent Injury Fund—Specified diseases and multiple employers
§ 1.21 Statutory funds for benefits—Subsequent Injury Fund—Request for offset
§ 1.22 *[Deleted]*
§ 1.23 Statutory funds for benefits—Major Medical Insurance Fund
§ 1.24 Statutory funds for benefits—Major Medical Insurance Fund—Request for offset—Form for request for offset of liability
§ 1.26 Statutory funds for benefits—Colorado Uninsured Employer Fund *[New]*
§ 1.27 Statutory funds for benefits—Colorado Uninsured Employer Fund—Form for Application *[New]*
§ 1.27.5 Statutory funds for benefits—Colorado Uninsured Employer Fund—Form for continuation request *[New]*

III. JURISDICTION

§ 1.33 *[Deleted]*
§ 1.35 Extraterritorial Provisions
§ 1.35.5 Extraterritorial provisions—Temporary work in Colorado *[New]*

IV. CHANGES IN LAW

§ 1.41 Legislative changes in the law
§ 1.42 Legislative changes in the law—Retroactive application
§ 1.43 Legislative changes in the law—Procedural changes
§ 1.44 Legislative changes in the law—Substantive changes
§ 1.45 Judicial interpretation—Reenactment of statute

CHAPTER 2. CONCEPTS OF COMPENSABILITY

§ 2.1 The requirement of work-relatedness
§ 2.2 Injury sufficient to be compensable
§ 2.3 Idiopathic injuries

§ 2.4 Mutual benefit doctrine (Dual purpose doctrine) *[Retitled]*
§ 2.6 Going and coming rule
§ 2.8 Going and coming rule—Deviations from travel status
§ 2.15 Horseplay
§ 2.20 Fault in termination of employment

CHAPTER 3. SPECIAL COMPENSABILITY PROBLEMS

I. TYPES OF INJURIES

§ 3.7 Occupational disease—Necessity of occupational exposure
§ 3.12 Mental impairment and stress claims
§ 3.16 Compensable consequences
§ 3.17 Compensable consequences—Quasi-course of employment
§ 3.18 Intervening injury
§ 3.20 Coverage for occupational disease cancers contracted by firefighters *[New]*
§§ 3.21 to 3.30 *[Reserved]*

II. APPORTIONMENT OF LIABILITY

§ 3.31 General Principles
§ 3.33 Permanent Partial Disability
§ 3.34 Apportionment—Permanent total disability
§ 3.37 Apportionment of Liability—Medical Benefits
§ 3.38 *[Reserved]*

CHAPTER 4. EMPLOYMENT RELATIONSHIPS

I. EMPLOYEES

§ 4.2 *[Deleted]*
§ 4.3 Employees specified by statute
§ 4.7 Working partners and sole proprietors

II. EMPLOYERS

§ 4.22 Self-employed persons

III. EXCLUDED EMPLOYEES, EMPLOYERS AND EMPLOYMENTS

§ 4.36 Homeowners
§ 4.39 Unpaid public officials—Form for exclusion of uncompensated public officials
§ 4.41 Truck and taxi drivers
§ 4.42 For-hire transportation
§ 4.44 Corporate officers rejecting coverage

§ 4.45 Corporate officers rejecting coverage—Form for rejection of coverage for corporate officers of limited liability company (LLC) members and construction industry partners or sole proprietors *[Retitled]*
§ 4.45.5 *[Deleted]*
§ 4.50 Part-time youth sports coaches *[New]*
§ 4.51 Employee performing incidental work *[New]*

IV. STATUTORY EMPLOYERS AND INDEPENDENT CONTRACTORS

§ 4.61 Statutory employer—General principles
§ 4.62 Statutory employer—General contractors
§ 4.63 Statutory employer—General contractors—*Finlay* test for contracting out
§ 4.64 Statutory employer—Real property owners and landowners
§ 4.65 Statutory employer—Owners of improvements on real property
§ 4.67 Independent contractor—Control and direction
§ 4.68 Independent Contractor—Nine Criteria of Independence
§ 4.69 Independent Contractor—Limitation on damages *[New]*

CHAPTER 5. MEDICAL BENEFITS, EXAMINATIONS AND REPORTS

I. MEDICAL CARE

§ 5.1 General Principles
§ 5.2 Type of treatment and special limitations
§ 5.4 Selection of Physician—At Time of Injury
§ 5.4.5 Selection of Physician—At time of injury—Form for designated health care provider disclosure *[New]*
§ 5.6 Selection of Physician—Emergency Care
§ 5.8 Change of Physician
§ 5.8.5 Change of Physician—Form for request for change of physician *[New]*
§ 5.8.6 Change of Physician—Form for notice of one-time change of physician and authorization for release of medical information *[New]*
§ 5.9 Medical referrals
§ 5.10 Medical Care "Authorized" by Insurer
§ 5.10.5 Medical care "authorized" by insurer—Form for authorized treating provider's request for prior authorization
§ 5.12 Exchange of medical records
§ 5.13 Payment of medical bills
§ 5.14 Payment of medical bills—Recovery from claimant
§ 5.15 Types of treatment—Medical apparatus and services
§ 5.16 Types of Treatment—Travel Expenses
§ 5.18 Maximum Medical Improvement (MMI)
§ 5.21 Continuing (*Grover*) medical benefits
§ 5.22 Independent medical examinations (IMEs)
§ 5.23 Independent Medical Examinations (IMEs)—Mandatory Division IME

§§ 5.24 to 5.30 *[Reserved]*

II. MEDICAL ADMINISTRATION

§ 5.31 Accreditation System for Physicians
§ 5.31.5 Accreditation system for physicians—Form for request for appointment to the Independent Medical Examination Panel *[New]*
§ 5.32 Fee schedule
§ 5.34 Medical treatment guidelines and utilization standards
§ 5.35 Medical treatment guidelines—Use of standard medical reports
§ 5.36 Medical treatment guidelines—Use of standard medical reports—Form WC164
§ 5.37 Medical utilization review (MUR)
§ 5.38 Medical utilization review (MUR)—Procedures and filings
§ 5.39 Medical utilization review (MUR)—Form for request for utilization review
§ 5.40 Medical utilization appeals

CHAPTER 6. BENEFITS

I. AVERAGE WEEKLY WAGE

§ 6.1 Calculation of Basic Wage
§ 6.2 Weekly maximums
§ 6.5 Self-Employment *[Retitled]*
§ 6.6 Calculation of additional benefits

II. TEMPORARY BENEFITS

§ 6.12 Disability benefits—Medical basis
§ 6.15 Temporary total disability—Timeliness of payment
§ 6.16 Temporary total disability—Payment of wages in lieu of compensation
§ 6.17 Temporary total disability—Termination of benefits
§ 6.18 Temporary partial disability
§ 6.20 How to terminate benefits with job offer
§ 6.22 Compensation after discharge from employment

III. PERMANENT BENEFITS

§ 6.31 Permanent partial disability
§ 6.32 Permanent partial disability—The schedule of benefits
§ 6.33 Permanent partial disability—Medical impairment ("whole person") benefits
§ 6.34 Permanent partial disability—Special compensation for minors
§ 6.36 Limitations on temporary and permanent partial disability
§ 6.37 Challenging the treating physician's opinion
§ 6.38 Challenging the treating physician's opinion—Authorized physician still treating claimant
§ 6.38.5 *[Deleted]*

§ 6.39 Permanent Partial Disability—How to Obtain a Division IME
§ 6.40 Permanent partial disability—How to obtain a Division IME—Form for notice and proposal to select an independent medical examiner
§ 6.41 Permanent partial disability—How to obtain a Division IME—Form for notice of Division of Independent Medical Examination (DIME) negotiations *[Retitled]*
§ 6.42.1 Permanent partial disability—How to obtain a Division IME—Form for notice of agreement to limit scope of Division of Independent Medical Examination (DIME) *[New]*
§ 6.42.2 Permanent partial disability—How to obtain a Division IME—Form for notice of reschedule of Division of Independent Medical Examination (DIME) *[New]*
§ 6.42.3 Permanent partial disability—How to obtain a Division IME—Form for notice of termination of Division of Independent Medical Examination (DIME) *[New]*
§ 6.42.5 Follow-up Division IME *[New]*
§ 6.42.6 Permanent partial disability—Follow-up Division IME—Form for notice of request for follow-up Division Independent Medical Examination (DIME) *[Retitled]*
§ 6.43 Indigent claimant
§ 6.44 Indigent claimant—Form for application for indigent determination (IME)
§ 6.47 Permanent total disability—Factors of total disability
§ 6.50 Permanent total disability—Calculation and termination of benefits *[Retitled]*
§ 6.51 Commencement of permanent disability benefits

IV. OTHER BENEFITS AND PAYMENTS

§ 6.61 Lump sum payments
§ 6.61.5 Lump sum payments—Form for request for lump sum payment *[New]*
§ 6.61.6 Lump sum payments—Form for lump sum calculation and proof of payment for permanent partial disability claims *[New]*
§ 6.61.7 Lump sum payments—Form for Lump sum calculation and proof of payment for permanent total and fatal claims *[New]*
§ 6.63 *[Reserved]*
§ 6.65 Disfigurement
§ 6.66 Disfigurement—Form for request for disfigurement award photo *[Retitled]*
§ 6.66.5 Disfigurement—Form for application for hearing—Disfigurement only *[New]*

CHAPTER 7. DEPENDENCY AND DEATH BENEFITS

I. GENERAL PRINCIPLES

§ 7.1 Overview of dependency and death benefits

§ 7.3 Statute of limitations: time for filing claim—Form for dependents' notice and claim for compensation
§ 7.4 Statute of limitations: time for filing claim—Form for admission—Fatal case—General admission
§ 7.5 Statute of limitations: time for filing claim—Form for admission—Fatal case—Final admission
§ 7.6 Rule of independence for employee's and dependents' benefits
§ 7.7 Limited payments to partial dependents

II. WHOLE DEPENDENTS

§ 7.11 Persons presumed to be wholly dependent
§ 7.12 Persons presumed to be wholly dependent—Spouse
§ 7.13 Persons presumed to be wholly dependent—Spouse—Common-law marriage
§ 7.15 Persons presumed to be wholly dependent—Children under age 18
§ 7.16 Persons presumed to be wholly dependent—Children ages 18–21
§ 7.17 Other dependents

III. PAYMENTS OF COMPENSATION

§ 7.21 Calculation of death benefits
§ 7.24.5 Payment to whole dependents—Widowed spouse *[New]*
§ 7.25 Payment to whole and partial dependents
§ 7.28 No statutory dependents

IV. OTHER CONSIDERATIONS

§ 7.42 Lump sums
§ 7.42.5 Lump Sums—Form for Request for lump sum payment *[New]*
§ 7.42.6 Lump sums—Form for Lump sum calculation and proof of payment for permanent total and fatal claims *[New]*
§ 7.43 Burial expenses

CHAPTER 8. REDUCTION IN BENEFITS

§ 8.1 General principles
§ 8.2 Social Security disability benefits
§ 8.3 Social Security retirement benefits
§ 8.4 Social Security death benefits
§ 8.5 Employer-paid disability benefits
§ 8.6 Employer-provided retirement and pension benefits
§ 8.7 Retirement and pension benefits—Police and firefighter pensions
§ 8.14 Lump sums
§ 8.15 Overpayments
§ 8.16 Liens and garnishments
§ 8.17 Workers' compensation as marital asset

CHAPTER 9. PENALTIES

I. PENALTIES APPLYING TO ALL PARTIES

§ 9.2 Dictating medical care, impairment rating
§ 9.3 Noncompliance and violation of statute and regulations (general penalty)
§ 9.4 Attorney fees

II. PENALTIES AGAINST EMPLOYERS AND INSURERS

§ 9.12 Failure to pay permanent partial disability and medical benefits (specific penalty) *[Retitled]*
§ 9.13 Noninsured employer—25 percent increased compensation *[Retitled]*
§ 9.14 Noninsured employer—Enjoined from continuing business, fines *[Retitled]*
§ 9.15 Noninsured employer—Payment of benefits
§ 9.16 to 9.18 *[Deleted]*
§ 9.20 Bad faith claims handling—General principles
§ 9.21 Bad faith claims handling—Bad faith of insurer
§ 9.21.5 Financial incentives to deny claim *[New]*
§ 9.22 Repeated violations of statute *[New]*
§ 9.22.50 Non-parties *[New]*
§ 9.23 Construction site coverage *[New]*
§ 9.24 Construction Site Coverage—Form for rejection of coverage by partners and solo proprietors performing work on construction sites *[New]*
§ 9.25 Maintenance medical benefits *[New]*
§§ 9.26 to 9.30 *[Reserved]*

III. PENALTIES AGAINST EMPLOYEES

§ 9.34 Fifty-percent penalties—Intoxication
§ 9.35 Late report of injury
§ 9.38 Failure to cooperate—Missed medical appointments
§ 9.44 Forfeiture of benefits—Incarceration
§ 9.46 Forfeiture of benefits—Intervening injury or event
§ 9.49 Forfeiture of benefits—Third-party settlement

CHAPTER 10. CLAIMS AGAINST THIRD PARTIES

§ 10.2 Subrogation of insurer
§ 10.7 Claims against third parties—Medical provider
§ 10.8 *[Reserved]*
§ 10.9.5 Uninsured/Underinsured Motorist (UM/UIM) insurance *[New]*

CHAPTER 11. RECORD KEEPING AND FILE PREPARATION

II. BASIC PAPERWORK

§ 11.12 Fee agreement—Estimate of costs
§ 11.17 Medical release
§ 11.19 Entry of appearance and authorization to review official file
§ 11.20 Entry of appearance—Form for entry at Division of Workers' Compensation *[New]*
§ 11.20.5 Entry of appearance—Form for entry at Office of Administrative Courts *[New]*
§ 11.21 Entry of appearance and authorization to review file—Form for authorization for release of information *[Retitled]*
§ 11.22 Entry of appearance and authorization to review file—Form for waiver for release of information to third parties *[Retitled]*
§ 11.23 Letter to adverse party requesting information (informal discovery)
§ 11.27 Withdrawal of attorney
§§ 11.28 to 11.29 *[Reserved]*
§ 11.30 Substitution of counsel
§§ 11.31 to 11.32 *[Reserved]*
§ 11.33 Dispute over attorney fee and attorney lien

CHAPTER 12. CASE HANDLING, FILINGS AND RECORDS

§ 12.1 Filing a claim
§ 12.4 Filing a claim—Employee's report to employer
§ 12.5 Filing by Employer
§ 12.6 Filing by employer—Form for employer's first report of injury
§ 12.7 Filing by employer—Form for monthly summary
§ 12.9 Filing by employer—Form for supplemental report of return to work
§ 12.11 Filing by insurer—Notice of contest—Form for notice of contest
§ 12.12 Filing by insurer—General admission of liability
§ 12.12.5 Filing by insurer—General admission of liability—Payment of benefits *[New]*
§ 12.13 Filing by insurer—General admission of liability—Form for general admission of liability
§ 12.15 Submission of claim by employee to Division—Worker's claim for compensation
§ 12.16 Submission of claim by employee to Division—Form for request for services
§ 12.20 The waiting game

CHAPTER 13. CLOSING A CLAIM

I. CLOSURE OF CLAIM

§ 13.1 Final closing of claim
§ 13.2 *[Deleted]*
§ 13.3 Final admission of liability
§ 13.4 Final admission of liability—Form for final admission of liability *[Retitled]*
§ 13.5 Final admission of liability—Form for objection to final admission of liability *[Retitled]*
§ 13.6 Request for payment of lump sum
§ 13.7 Request for payment of lump sum—Form for request for lump sum payment *[Retitled]*
§ 13.7.5 Request for payment of lump sum—Form for lump sum calculation and proof of payment for permanent partial disability claims *[New]*
§ 13.8 Final adjudication
§ 13.9 Dismissal by Division of Workers' Compensation
§ 13.9.5 Dismissal by Division of Workers' Compensation—Form for motion to close claim for failure to prosecute *[New]*
§ 13.10 Final Adjudication—Form for order to show cause *[Retitled]*
§ 13.11 Final adjudication—Order denying motion
§ 13.13 Settlement
§ 13.20 Settlement—Obtaining Medicare approval
§ 13.21 Settlement—Form for workers' compensation claim(s) settlement agreement *[Retitled]*
§ 13.21.5 Settlement—Form for settlement—Form for choice of settlement advisement *[New]*
§ 13.22 Settlement—Form for settlement order *[Retitled]*
§ 13.23 Settlement—Form for settlement checklist and routing sheet

II. EQUITABLE DOCTRINES

§ 13.31 Res judicata
§ 13.32 Law of the case
§ 13.33.5 Promissory estoppel *[New]*
§ 13.34 Collateral estoppel
§ 13.36 Waiver
§ 13.36.5 Waiver—Form for voluntary abandonment of claim *[New]*

III. INEFFECTIVE CLOSURE

§ 13.45 Ineffective closing—Defective final admission
§ 13.46 Reservation of issues

CHAPTER 14. REOPENING A CLAIM

I. REOPENING

§ 14.1 Reopening
§ 14.2 Reopening—Change in condition
§ 14.3 Reopening—Medical benefits

§ 14.4 Reopening—Error or mistake
§ 14.5 Reopening—Permanent total disability
§ 14.6 Reopening—Overpayment due to social security and pensions
§ 14.7 Reopening—"Full and final" settlement
§ 14.9.50 General and final admissions of liability—Modifying an award *[New]*
§ 14.10 Statute of limitations
§ 14.14 Determining the date of last payment
§ 14.16 Reopening vs. appeal

II. REOPENING PROCEDURE

§ 14.22 Administrative law judges' discretion to reopen
§ 14.23 Administrative law judge's discretion to reopen—Evidence for reopening
§ 14.24 Reopening procedure and practice tips
§ 14.25 Reopening procedure and practice tips—Form for petition to reopen

CHAPTER 15. ADMINISTRATIVE PROCEEDINGS AND HEARINGS

§ 15.1 General principles
§ 15.2 State agencies involved in workers' compensation cases
§ 15.3 Rules of Procedure and administrative regulations

I. DIVISION OF WORKERS' COMPENSATION

§ 15.11 Powers of the director
§ 15.12 Powers of the director—Claims management and records maintenance
§ 15.14 Prehearing administrative law judges
§ 15.16 Mediation
§ 15.17 Arbitration
§ 15.18 Discovery
§ 15.19 Discovery—Form for interrogatories
§ 15.22 Discovery—Order granting discovery
§ 15.23 Filing motions and other documents
§ 15.24 Filing motions and other documents—Form for Division certificate of service *[New]*

II. OFFICE OF ADMINISTRATIVE COURTS

§ 15.31 Powers of the administrative law judge
§ 15.32 Powers of the administrative law judge—Insurance coverage
§ 15.33 Motions for the administrative law judge
§ 15.34 Consolidation of cases

III. SCHEDULING THE HEARING

§ 15.41 Timing and paperwork
§ 15.42 Expedited hearing

§ 15.43 Expedited hearing—Form for application for expedited hearing
§ 15.43.5 Expedited hearing—Form for application for expedited hearing—One-time change of physician *[New]*
§ 15.44 Expedited hearing—Form for petition to modify, terminate or suspend compensation
§ 15.46 Place or venue
§ 15.47 Hearing forms—Application for hearing
§ 15.47.5 Hearing forms—Form for amendment to application for hearing *[New]*
§ 15.48 Hearing forms—Form for response to application for hearing *[Retitled]*
§ 15.49 Hearing forms—Workers' compensation hearing confirmation *[Retitled]*
§ 15.50 Hearing forms—Notice of hearing
§ 15.51 Continuance of the hearing
§ 15.51.5 Hearing forms—Workers' compensation hearing cancellation *[Retitled]*
§ 15.52 Interpreters *[New]*
§ 15.53 Interpreters—Form for interpreter request *[Retitled]*
§ 15.54 Interpreters—Form for Code of Conduct *[New]*

IV. TAKING THE CASE TO HEARING *[Retitled]*

§ 15.61 Transcript of the hearing
§ 15.63.5 Transcript of hearing—Form for audio recording request *[New]*
§ 15.63.6 Prehearing filing by parties *[New]*
§ 15.63.7 Prehearing filing by parties—Case Information Sheet *[New]*
§ 15.64 Conduct of the hearing
§ 15.65 Conduct of the hearing—Rules of evidence
§ 15.72 Documentary evidence
§ 15.73 Testimony by deposition
§ 15.75 Motions—Order granting motion for evidentiary deposition
§ 15.76 Subpoenas
§ 15.77 Subpoenas—Form for subpoena
§ 15.78 Judicial notice
§ 15.79 General approach to hearing
§ 15.81 Position statement
§ 15.82 Service of Documents *[New]*

V. ENTRY OF ORDER

§ 15.91 Entry of an Order
§ 15.92.5 Entry of order—Form for request for specific findings of fact and conclusions of law *[New]*
§ 15.93 Preparation of Specific Findings of Fact—Form for specific findings of fact, conclusions of law and order

CHAPTER 16. CONSIDERATIONS FOR APPEAL

I. OVERVIEW

§ 16.2 Deference to administrative interpretation
§ 16.3 Issue first raised on appeal
§ 16.4 Raising and preserving constitutional issues

II. UNDERSTANDING THE ORDER

§ 16.11 Basic requirements for the order
§ 16.14 Discretion of administrative law judge—Competent evidence
§ 16.15 Discretion of administrative law judge—Credible evidence
§ 16.17 Discretion of administrative law judge—Expert opinion
§ 16.18 Discretion of administrative law judge—Medical opinion
§ 16.19 Abuse of discretion
§ 16.20 Preponderance of the evidence
§ 16.21 Clear and convincing evidence
§ 16.22 The substantial evidence rule
§ 16.23 Misapplication of law
§ 16.24 Harmless error

CHAPTER 17. APPELLATE PROCEEDINGS

I. OVERVIEW

§ 17.1 Appellate proceedings
§ 17.2 Appealable orders and interlocutory orders

II. OFFICE OF ADMINISTRATIVE COURTS *[Retitled]*

§ 17.11 Appeal of the administrative law judge's order (petition to review)
§ 17.12 Appeal of the order (petition to review)—Contents of the petition to review
§ 17.13 Appeal of the order (petition to review)—Form for petition to review (no transcript)
§ 17.13.5 Appeal of the order (petition to review)—Form for petition to review and request for transcript *[New]*
§ 17.14 Designating the transcript for appeal
§ 17.18 Indigent party ordering transcript—Form for application for indigent determination
§ 17.19 Brief in support of petition to review
§ 17.22 Brief in opposition to petition to review
§ 17.23 Failure to file a brief
§ 17.24 Supplemental order and corrected order

III. INDUSTRIAL CLAIM APPEALS PANEL (ICAP)

§ 17.31 Review process

§ 17.32 Grounds for review
§ 17.33 Appeal of ICAP order

IV. COLORADO COURT OF APPEALS

§ 17.41 Deadline for filing appeal
§ 17.42 Grounds for review
§ 17.43 Notice of appeal and petition to review
§ 17.45 Submission of briefs
§ 17.46 Amicus curiae
§ 17.47 Oral argument
§ 17.48 Entry of order
§ 17.49 Petition for rehearing
§ 17.50 Issuance of mandate

V. COLORADO SUPREME COURT

§ 17.61 Limited right of appeal—Jurisdiction on writ of certiorari
§ 17.62 Limited right of appeal—Petition for writ of certiorari
§ 17.63 Denial of certiorari
§ 17.64 Grant of certiorari and submission of briefs
§ 17.65 Oral argument
§ 17.66 Entry of order
§ 17.67 Petition for rehearing
§ 17.68 Issuance of mandate

Table of Laws and Rules

Table of Cases

Index