

Workers Compensation Benefit Overview – Colorado

Major Developments: Last major legislation in 2004 (SB899), affected indemnity rates, disability rating, medical treatment, medical-legal disputes, penalties, and apportionment. 2007 legislation affects caps on TD and post-surgical treatments.

Indemnity Issues

Temporary Total Benefits	<p>Min: none Max: \$786.17 (updated every July) Waiting period: 3 scheduled work days Colorado has two caps on indemnity and therefore a cap on temporary benefits: Injuries with a permanency rating at 25% or lower is capped at \$75,000; injuries with a permanency rating at 25% or higher are capped at \$150,000. For injuries before 1/1/06, the caps were \$60,000 and \$120,000, respectively.</p>
Temporary Partial Benefits	<p>See temporary total benefits. No waiting period applies to TPD.</p>
Permanent Partial Benefits	<p>See caps on indemnity benefits in the temporary total benefits section. Permanent impairment ratings are both scheduled and whole body/person and are based on the AMA Guides (3rd Ed. Revised). Disfigurement allowed after 6 months of injury or last surgery. 2 levels for disfigurement: \$4,174 minor scarring; \$8,348 major scarring (updated every July).</p>
Permanent Total Benefits	<p>Unlimited benefits</p>
Fatality Benefits	<p>Payable to dependents at the average weekly wage.</p>
Vocational Rehabilitation	<p>Not mandatory. Benefits consist of temporary total benefits payable at the time of retraining/schooling and payment for retraining.</p>
Settlement Allowed	<p>Full and final settlement of all issues—medical and indemnity is permitted.</p>
Cap on benefits, exceptions	<p>See temporary total disability section</p>

Medical Issues

Initial Choice of Provider	Yes. Must provide a choice of at least 2 physicians in writing (per Rule 8)
Change of Provider	Yes. There are 2 types of request for change of physician. *Change request per Rule 8 (within initial 90 days of claim or prior to MMI) *Request must be in writing and accepted by employer and insurer.
Medical Fee Schedule	Yes.
Managed Care	Permissible, unless objected to by applicant
Treatment Guidelines	Evidence based Treatment Guidelines exist and are persuasive, but are not required to be used.
Medical Mileage Reimbursement Rate	.55/mile
Ability to Terminate Medical Treatment	After a ruling by an Administrative Law Judge is obtained or through the Division IME process.
Settlement Allowed	Full and final settlement of all issues—medical and indemnity is permitted.
Cap on benefits, exceptions	No cap of medical benefits exists.

Other Issues

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Hearings require attorney or claim handler participation	Yes to attorney representation and No to claim handler participation.
Occupational Diseases	Yes.
Second Injury Fund availability	Eliminated in 1994 and has minimal funding for injuries occurring prior to that date.
Other Offset Opportunities	Apportionment of prior industrial injuries is permitted.

State workers compensation website link:

<http://www.coworkforce.com/DWC/>

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