

DEPARTMENT OF LABOR AND EMPLOYMENT

Division of Workers' Compensation

7 CCR 1101-3

WORKERS' COMPENSATION RULES OF PROCEDURE

Emergency Rules

Section 1 – Authority

This emergency regulation is promulgated and adopted by the Director of the Division of Workers' Compensation pursuant to §8-47-107.

Section 2 – Scope and Purpose

The purpose of this emergency regulation is to establish the procedures for Workers' Compensation applicable during the state of emergency declared by the Governor due to COVID-19.

The Division finds, pursuant to § 24-4-103(6)(a), C.R.S., that immediate adoption of this regulation is imperatively necessary for the preservation of public health, safety, or welfare as ensuring operation of the workers' compensation system is imperative to preserve the health of the citizens of Colorado. Therefore, compliance with the requirements of § 24-4-103, C.R.S., would be contrary to the public interest.

Section 3 – Applicability

While in effect, this emergency rule applies to all entities subject to the Workers' Compensation Rules of Procedure. The emergency procedures specified in this rule supersede the applicable rules of procedure; however, the Workers' Compensation Rules of Procedure remain in full force and effect where not in conflict with this emergency rule.

Section 4 – Settlement Documents

Notarization of an injured workers' signature on a settlement agreement is not required so long as the agreement is accompanied by a photocopy, scan or photograph of a government issued photo ID of the individual signing the documents and which matches the name of the injured worker in the Division files.

The requirement to submit a photocopy, scan or photograph of a government issued photo ID is not required where the injured worker is represented by an attorney and the documents are accompanied by a signed statement from counsel attesting to the validity of the signature.

Section 5 – Rejection of Coverage

Rejections of coverage must be submitted by email to cdle_dowc_coverage@state.co.us. A paper copy of the form must be sent via certified mail within ninety (90) days of the electronic submission.

Section 6 – Disfigurement Award (Photo)

Requests for determination of additional compensation for disfigurement based upon submission of photographs must be filed via email to: cdle_dowc_prehearings@state.co.us

Electronically submitted requests must be accompanied by the Division form and include in the body of the email the date the photographs were taken.

Section 7 - Motions to Close for Failure to Prosecute

Motions to close must be filed via electronic mail and include an electronic mail address for all parties (including represented claimants). Motions to close not accompanied by the required email addresses will be rejected. Motions to close must be sent to: cdle_dowc_filings@state.co.us

Section 8 – Utilization Procedures

The requirement contained in Rule 16-3(A)(5)(c) that an authorized treating physician exam an injured worker within the first three visits to the physician's office is suspended.

The seven (7) day requirement for denial of a request for prior authorization in Rule 16-7(B) is extended to thirty-five days for requests relating to a procedure or treatment which is currently unavailable due to emergency restrictions on medical treatment enacted by the Governor and/or Colorado Department of Public Health and Environment in executive order D2020 009.

Section 9 - Electronic Communication

All information submitted to the Division of Workers' Compensation must be submitted via electronic mail. Only ONE document per email message is permitted (ie one FA with attachments or one GA with Support for Return to Work). Multiple attachments will not be accepted.

The subject line must include (in this order): WC#, Claimant first and last name, and type of document (FA, GA, Petition, LS Request, MTC, MTN). The document included with the email must be named in the same format as the subject line.

The Certificate of Service should reflect the date it was emailed to the Division of Workers' Compensation.

General Admissions, Final Admissions, Petitions to Modify, Terminate, or Suspend (WC54), Request for Lump Sum Payment (WC62) must be addressed to: cdle_dowc_filings@state.co.us

Motions (other than motions to close) and submissions for the Prehearing and Settlement Unit must be addressed to: cdle_dowc_prehearings@state.co.us

All other communications not specifically addressed in this rule, including but not limited to objections to final admissions, entries of appearance and workers' claims for compensation must be addressed to: cdle_workers_compensation@state.co.us

Electronic submission via mechanisms other than email requires advanced approval of the Division.