

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.

As reported cases of COVID-19 increase, they place a significant strain upon medical resources. These emergency rules are being promulgated to increase access to telehealth services in order to assure injured workers maintain access to reasonable and necessary medical care while complying with physical distancing guidelines and mandates.

COVID-19-related actions to promote physical distancing have disrupted workers' ability to receive in-person care for their job-related injuries and illnesses. Continuity of care is essential to monitor the progress of recovery. Treatment delays impede recovery and may increase claims costs. Increasing reimbursement for remote services to levels equivalent to in-person care should promote use of these alternatives to in-office care.

This rule supersedes and replaces the emergency rules adopted on March 24 and March 31, 2020. The rules adopted on those dates are revoked.

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 – Electronic Communications

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.

I. Admissions

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

II. Motions to Close

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.

III. All other motions

Motions (other than motions to close) and submissions for the Prehearing and Settlement Unit must be addressed to: cdle_dowc_prehearings@state.co.us. Motions must be accompanied by a proposed order in either .doc or .docx format.

IV. Disfigurement

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.

V. Rejections 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.

VI. All Other Communication

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

First Reports of Injury and Notices of Contest must be submitted via EDI.

Electronic submission via mechanisms other than those set forth herein requires advanced approval of the Division.

Section 5 – Utilization Procedures

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 unavailable at the time of the request 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 6 – Telehealth

Parties are encouraged to utilize telehealth wherever medically appropriate. Place of service 02 – Telehealth is removed from place of service codes used with the RBRVS facility RVUs.

Maximum allowance is the non-facility RBRVS unit value for the CPT® code times the appropriate conversion factor. A 95 modifier must be appended to the appropriate CPT® code(s). An additional \$5.00 transmission fee is not payable.

Section 7 – Duration

This emergency rule shall be in effect until October 13, 2020 unless continued, superseded or rescinded.