

Employer Required to Provide Designated Provider List Even If Employee Declines Medical Treatment

You, as the employer, have the right in the first instance to select a physician to treat your injured employees per C.R.S. 8-43-404(5) (a). According to the statute, you are required to “provide a list ... of physicians ... in the first instance, from which list an injured employee may select the physician who attends said injured employee.” Failure to provide such a list at the time of injury gives the employee “the right to select a physician or chiropractor” Their choice may result in the selection of a provider who is not familiar with workers compensation requirements.

The workers’ compensation rules provide a method for providing the required list of physicians and similarly states that “when an employer has notice of an on-the-job injury, the employer or insurer shall provide” the injured worker with the Designated Provider List. The injured worker may select an authorized treating physician of the workers’ choosing when the employer fails to provide a list.

The requirement to provide the Designated Provider List is activated when the employer “has some knowledge of accompanying facts connecting the injury or illness with the employment, and indicating to a reasonably conscientious manager that the case ‘might’ involve a potential compensation claim.” *Jones v. Adolph Coors Co.*, 689 P.2d 681, 688 (Colo. App. 1984).

What This Means to Counties

So even if an employee declines medical treatment, the employer must provide the Designated Provider List upon receiving any information of an injury. If you don’t provide the list, the injured worker will probably be allowed to select a physician of the worker’s choosing. See, *Harrison v. Walmart Stores, Inc.*, W. C. Nos. 4-822-267-04 & 4-855-790 (April 27, 2012).

For more information on developing a Designated Provider list, contact CTSI at 303-861-0507.