

Changes to Worker's Compensation Laws

The 2022 Legislative Session passed five Bills that impact Workers' Compensation in Colorado:

HB22-1112 WORKERS' COMPENSATION INJURY NOTICES

[HB22-1112](#) extends the time for injured workers to report their injuries to 10 days from the previous four days. It also requires employers to keep a written record of the report. Changes were made to the poster employers are required to post. A link to the newly redesigned poster is available [here](#). HB22-1112 goes into effect on August 10, 2022.

HB22-1262 SUNSET WORKERS' COMPENSATION REGULATIONS

[HB22-1262](#) reaffirms the authority of the director of the division of workers' compensation to impose fines on employers for failure to carry workers' compensation insurance. There were no substantial changes; the next review will be in 2033.

HB22-1347 WORKERS' COMPENSATION UPDATES

[HB22-1347](#) makes several changes to workers' compensation benefits, including allowing advance payment for some mileage expenses, requiring payment at the scheduled rate if higher than the whole person for impairment ratings, raises funeral benefits to \$12,500, requires reporting of medical-only claims after 180 days of active treatment, and abolishes the self-insurance board. HB22-1347 goes into effect on August 10, 2022.

HB22-1354 PROTECTING INJURED WORKERS' MENTAL HEALTH RECORDS

[HB22-1354](#) prohibits insurers from providing copies of mental health records to employers or other third parties, except when necessary to evaluate, adjudicate, or adjust a claim. Insurers can still notify employers of work restrictions but cannot provide mental health records. This applies to substance use and abuse disorders, and Division Independent Medical Examination reports if they mention mental health. Employers who self-insure need to keep separate mental health records, apart from personnel records. Employers may obtain mental health records if approved by a judge. HB22-1354 went into effect on June 9, 2022.

SB22-035 COVERAGE LEVELS FOR OCCUPATIONAL ACCIDENT INSURANCE

[SB22-035](#) gives the Commissioner of Insurance the authority to set required coverage levels for truck drivers' occupational accident coverage. Truck drivers may be able to opt-out of workers' compensation insurance if they have occupational accident coverage that meets the Commissioner's requirements. The bill sets similar coverage as "an occupational accident insurance policy that provides a minimum aggregate policy limit of one million five hundred thousand dollars for all benefits paid for the benefit of the operator, including medical, temporary and permanent disability, death and dismemberment, and survivor benefits" Colorado Revised Statute §40-11.5-102. (b) II. SB22-035 goes into effect on August 10, 2022.



WHAT THIS MEANS FOR COUNTIES

Counties should review their workers' compensation policies and consult their county attorneys to ensure they are in compliance with laws passed during the 2022 legislative session. For more information, contact CTSI at 303 861 0507.