



## Fiscal Note

### Legislative Council Staff

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## HB 25-1300: WORKERS' COMP BENEFITS PROOF OF ENTITLEMENT

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**Prime Sponsors:**

Rep. Willford

Sen. Kipp

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**Published for:** Senate Business, Labor & Tech.

**Drafting number:** LLS 25-0319

**Version:** First Revised Note

**Date:** April 22, 2025

**Fiscal note status:** The revised fiscal note reflects the reengrossed bill.

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### Summary Information

**Overview.** The bill makes modifications to the provision of medical benefits under the state's workers' compensation statute.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Workload

**Appropriations.** No appropriation is required.

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**Table 1**  
**State Fiscal Impacts**

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

## **Summary of Legislation**

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Under current law, the Division of Workers' Compensation in the Colorado Department of Labor and Employment (CDLE) adopts utilization standards for the delivery of medical benefits for workers' compensation claims. This bill requires that an employer or the employer's insurer use the division's utilization standards when responding to a request for authorization from a treating physician. If the employer or insurer fails to act in accordance with the standards, the division may deem the physician's services as reasonable and necessary, and require payment for the services by the employer or the employer's insurer.

The bill repeals the requirement that an employer provide a list of health care providers from which an injured worker may select to attend to an injury, and repeals the related provisions with respect to geographic location of providers and requirements when the employer is a health care provider that could treat the injury "in house." Instead, this bill requires that an employer or insurer notify the injured employee of the right to designate a treating physician and where to access the list of Level I and Level II accredited physicians maintained by the CDLE. The treating physician must be within 70 miles of the employee's home or work, or within 100 miles if there is limited availability of accredited physicians in closer proximity. If the employee fails to designate a primary physician, the employer or insurer may select from the list of accredited physicians.

## **Background**

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The State Office of Risk Management in the Department of Personnel and Administration (DPA) pays workers' compensation benefits to state employees. The state is self-insured for workers' compensation claims. Annually, the office's actuary projects the state's total workers' compensation needs and estimates the allocation for each agency as a percent of the total.

The Division of Workers' Compensation in the CDLE enforces state law related to workers' compensation, which includes conducting prehearing conferences, auditing admissions filed by insurance carriers or their third-party adjusters, and overseeing the Division of Independent Medical Examination (DIME) program.

## **State Expenditures**

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The bill is expected to impact workload in several state agencies, as discussed below.

### **Department of Labor and Employment**

CDLE will update its policies and procedures to align with the bill. No change in appropriations is required.

## **Department of Personnel and Administration**

The bill may impact workload and costs in the State Office of Risk Management and in the Office of Administrative Courts (OAC). These impacts are assumed to be absorbable initially, but will be addressed through the annual budget process as needed in future fiscal years.

The state's risk management pool may experience higher costs if injured workers choose medical providers that offer expanded medical services and treatment, increasing costs for compensation of injured state employees. If these costs require an increase in agency contributions to the risk pool, this be addressed through total compensation as part of the annual budget process.

The OAC may have additional caseload from increased litigation if insurers dispute new treatments and diagnostic testing from medical professionals chosen by the employee. Initial caseload increases are assumed to be absorbable.

## **Judicial Department**

Although most disputes related to state workers' compensation are handled by the OAC in DPA, there is an appellate process through the courts. Parties may request judicial review once other legal avenues are exhausted. Assuming most cases are resolved through administrative courts, the bill is expected to have a minimal impact on the trial courts.

## **Effective Date**

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The bill takes effect January 1, 2026, assuming no referendum petition is filed, and applies to workers' compensation claims filed on or after that date.

## **State and Local Government Contacts**

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Judicial

Labor

Law

Personnel

Regulatory Agencies

Revenue