

# DEPARTMENT OF LABOR AND EMPLOYMENT

## Division of Workers' Compensation

7 CCR 1101-3

### WORKERS' COMPENSATION RULES OF PROCEDURE

#### Rule 13 Provider Accreditation

##### 13-1 STATEMENT OF BASIS AND PURPOSE

- (A) This rule implements and establishes procedures for the provider accreditation program set forth in § 8-42-101(3.5) and (3.6), C.R.S., as well educates the providers about their administrative, legal, and medical roles in the Colorado workers' compensation system. Accreditation requirements shall apply to:
- (1) Providers who seek Level I or Level II accreditation under § 8-42-101(3.5) and (3.6), C.R.S.;
  - (2) Physicians providing permanent impairment evaluations of claimants; and
  - (3) Physicians serving on the Division Independent Medical Examination Panel.

##### 13-2 ACCREDITATION

- (A) To obtain Level I Accreditation, a provider must:
- (1) Qualify under § 8-42-101(3.5), C.R.S.;
  - (2) Complete an application form prescribed by the Division and pay the registration fee;
  - (3) Complete the Division Level I course;
  - (4) Demonstrate an understanding of the Division materials by passing a Division-administered examination. If the provider does not exhibit sufficient knowledge upon taking the examination a second time, he or she must attend the seminar again prior to any further attempts at the examination. Additional fees may apply.
  - (5) Agree to comply with all relevant statutes, Division rules, and all Division-issued guidance (including materials incorporated by reference);
  - (6) The accreditation begins on the date the provider passes the examination. The accreditation expires on July 31<sup>st</sup> of the third year following the year the provider passed the examination.
- (B) To obtain Level II Accreditation, a physician must:

- (1) Receive Level I accreditation. However, a physician who received his/her initial Level II accreditation before January 1, 2018 is exempt from this requirement.
- (2) Qualify under § 8-42-101(3.5), C.R.S.;
- (3) Complete an application form prescribed by the Division, pay the registration fee, and indicate if full or limited accreditation is sought;
- (4) Complete the Division Level II course;
- (5) Demonstrate an understanding of the Division materials (including the American Medical Association Guides to the Evaluation of Permanent Impairment, as incorporated by reference into § 8-42-101(3)(a)(I), C.R.S. ('AMA Guides')) by passing a Division-administered examination. If the provider does not exhibit sufficient knowledge upon taking the examination a second time, he or she must attend the seminar again prior to any further attempts at the examination. Additional fees may apply.
  - (i) Full Accreditation: A physician who passes the full Level II Accreditation examination shall be fully accredited to determine permanent impairment ratings on any work-related injury or illness.
  - (ii) Limited Accreditation: A physician who seeks Level II Accreditation to rate impairment only in connection with a specialty medical practice and who satisfactorily completes specified portions of the Level II examination shall receive limited accreditation to determine permanent impairment ratings on the corresponding sections of the AMA Guides.
- (6) Agree to comply with all relevant statutes, Division rules, and all Division-issued guidance (including materials incorporated by reference).
- (7) Submit his/her first three (3) impairment rating reports deemed sufficient by the Division within 12 months of passing the Level II accreditation examination; and
- (8) Agree to the probationary one-year Level II accreditation period beginning on the date the physician passes the Level II accreditation examination. The probationary accreditation will expire if the physician fails to submit three (3) impairment rating reports deemed sufficient by the Division within one year of the examination. Non-probationary accreditation begins on the date the physician submits his/her first three (3) impairment rating reports deemed sufficient by the Division. The non-probationary accreditation expires on January 31<sup>ST</sup> of the third calendar year following the year the physician successfully completed the Level II Accreditation examination.

### 13-3 RENEWAL OF ACCREDITATION

- (A) The Division will attempt to notify accredited providers of impending expiration of their accreditation.

- (B) A provider who does not renew his or her accreditation before the expiration date may reapply and complete the process for initial accreditation under section 13-2.
- (C) To renew accreditation, a provider must:
  - (1) Qualify under § 8-42-101(3.5), C.R.S.;
  - (2) Complete an application form prescribed by the Division, pay the registration fee, and, for Level II accreditation, indicate if full or limited reaccreditation is sought;
  - (3) Complete the Division course requirements for the highest level of accreditation maintained;
  - (4) Agree to comply with all relevant statutes and Division rules; and
  - (5) For Level II reaccreditation only, submit one impairment rating report deemed sufficient by the Division (which may be a Division Independent Medical Examination report) for audit. The purpose of providing an impairment report is to demonstrate an understanding of the requirements of a sufficient impairment rating report; to educate and provide feedback to the physician; and to assist the Division in examining its curriculum. Any correspondence or communication regarding this process is confidential and shall not be subject to discovery or examination by any person.

#### 13-4 SANCTIONS UPON ACCREDITATION

- (A) The Director, with input from the Medical Director, may initiate proceedings to sanction a Level I or Level II Accreditation on any of the following grounds:
  - (1) Refusal to comply, substantial failure to comply, or two or more incidents of failure to comply with the provisions of these Workers' Compensation Rules of Procedure and all relevant statutes.
  - (2) Misrepresentation on the application for accreditation, or
  - (3) A unanimous recommendation to revoke accreditation by a reviewing panel pursuant to § 8-43-501(3)(c)(III) and (4), C.R.S..
- (B) The severity of any sanctions taken under these rules shall reflect the character of the failure and the attendant circumstances. Examples of sanctions include, but are not limited to, a suspension or a revocation of accreditation.
- (C) A proceeding to sanction a Level I or Level II Accreditation may be initiated by the Director, with input from the Medical Director, with referral for a hearing before an administrative law judge.
- (D) Following a hearing, the administrative law judge shall render proposed findings of fact and conclusions of law, and make recommendations to the Director, who shall enter an order in the case.