

Where Do I Start? A Guide for Injured Workers



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1. About Colorado workers' compensation

Every state has passed workers' compensation (commonly called workers comp, work comp, workmans comp, or workmans compensation) laws that provide benefits to people injured at work.



Every state has its own workers' compensation laws

Workers' compensation is a form of insurance that pays for medical care and lost wages if you are injured on the job.

Colorado Workers' Compensation is a "no-fault" system. This means that you may be eligible for benefits regardless of whether you, a co-worker, or your employer actually caused the injury.

In general, the laws state that workers injured on the job will receive benefits to replace lost wages and to cover medical expenses. These laws may be referred to as workers' compensation, workers comp, workman's compensation, work comp or worker's compensation, depending on the source.

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2. When to notify your employer

Colorado law requires you to notify your employer of an injury within four days. A judge may reduce some of your benefits if you didn't give notice within the four day period.



Make sure to notify your employer soon after an injury

Don't believe your employer or insurance company if they tell you your claim is denied simply because you didn't give the required notice within four days.

It is also important to know that most claims must be filed with the Colorado Division of Workers' Compensation within two (2) years of the injury.

The sooner you report your injury, the better. There are many deadlines and exceptions to those deadlines in the Colorado workers' compensation system. [An experienced attorney](#) can help you figure out whether your claim was filed on time.

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3. What benefits you're entitled to

The Colorado workers' compensation system provides three major types of benefits:

1. Medical benefits to treat your injury, including: medical treatment, prescriptions, and certain equipment.
2. Lost wages benefits if you are unable to work or must work reduced hours.
3. Permanent disability benefits to compensate you for a permanent physical impairment once your condition stabilizes.

In rare cases, you might receive permanent total disability benefits if you are so disabled that you can never return to any work at all.

Colorado workers' comp. laws also provide benefits for dependents of workers who are killed because of work-related accidents or illnesses.

Of course, there are many qualifications and loopholes involved in each type of benefit, most of which favor the insurance companies. If you [call us](#) or [fill out our on-line form](#) and set up an appointment for a free consultation, we can explain in detail the specific benefits that you will be entitled to.

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4. Benefits while you're off work

In Colorado, you are eligible for benefits for lost wages if you miss more than 3 days of work as a result of your injury. If you're totally unable to work, you will receive 2/3 of your average weekly wage. This is known as temporary total disability (TTD) benefits.



If you're working reduced hours and getting reduced pay, you will receive 2/3 of the difference between what you actually earn, and what you would have made if you had not been injured. This is temporary partial disability (TPD).

Important restrictions on TTD

There are some important restrictions on the eligibility to temporary disability benefits. For example, if you are fired "for cause," it can be very difficult to get lost-wages benefits.

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5. Medical benefits

If you are injured on the job in Colorado, your employer's workers' compensation insurance will pay the medical expenses related to your injury.

Some examples of medical treatment that are covered are:

- Physical therapy
- Surgery
- Injections
- Prescriptions
- Follow-ups with your doctor(s)
- Mental health treatment, including therapy or counseling
- Blood work
- Imaging scans such as MRIs or X-rays
- Massage therapy
- Chiropractic treatments



For the insurance carrier to pay for these costs, they have to be authorized. Usually, treatment that is recommended by your workers' comp. doctor is authorized for payment.

But there are times when the carrier will not authorize a particular treatment, or refuses to reimburse you for treatment that you needed and paid for yourself. That is when having an experienced workers' comp. attorney on your side can make a difference.

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6. The company doctor

Do I Have to See the Company Doctor?

Colorado law gives your employer the first shot at choosing your doctor. Your employer must give you a referral when it first learns of your injury. If your employer refers you to a particular doctor, or a "doc-in-the-box" clinic like Emergicare, you are required to go.

If you go to a different doctor on your own, instead of the doctor your employer sends you to, workers' compensation will not cover it.

What happens if my employer doesn't send me to a doctor?

If your employer doesn't refer you to a doctor, then you have the right to pick your own. Once you see a doctor, he or she becomes your primary treating physician.

[Attorneys who practice workers' compensation](#) will be able to give you the names of doctors who are qualified to treat your condition and care about **you** rather than pleasing the employer and insurance company.

Always tell your doctor everything that is wrong with you. If you hurt your neck and arm, mention both areas of injury every time you see the doctor. If you are having trouble coping with your injury, or if you are depressed, tell the doctor. Treatment for this may be covered by workers' compensation benefits.

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7. Getting fired or quitting your job

Can I be fired if I'm getting Colorado workers' compensation benefits?

Yes, you can be fired, and thanks to a law passed by the Colorado legislature in 1999, Colorado employers are firing injured workers more often. Under this law, if you are "responsible" for losing your job, you are not eligible for any lost wages benefits.



This is true even if your injury prevents you from finding another job! Since this law was passed, employers started looking for excuses to fire injured workers to save the insurance carriers money on lost wages benefits.

Employees are being fired for being late to work, missing time for doctors' appointments without calling in, bad attitudes, etc. So it is important to be very careful of your employer's rules once you get hurt!

Quitting your job can end your benefits



Another thing to remember is that quitting can also cut off your benefits under this law. If you quit, you are "responsible" for losing your job. There are very few situations where it is legally advisable to quit your job after an injury.

If you have been fired after an injury, or feel that your employer is trying to make you quit, please [contact an attorney](#) immediately. There are legal actions that may be able to restore or protect your eligibility to TTD benefits. An attorney can help determine if any of these legal technicalities apply to your case.

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8. Maximum Medical Improvement (MMI)

Maximum Medical Improvement (MMI) is when your medical condition is not expected to improve significantly. This doesn't necessarily mean that you are well, or totally fine. You may have remaining impairments from your injury. It just means that your doctor doesn't expect any further improvement at this point.

What happens when I reach MMI?

- You will be given an impairment rating. You will undergo a special medical exam that will determine what your rating will be. The rating is a determination of what percent of loss you have sustained due to the injury.
- If you want to dispute whether or not you have reached MMI, you can apply for an independent medical examination.
- After you reach MMI you may be entitled to permanent disability benefits.
- Typically, your insurance carrier will issue a Final Admission of Liability soon after you reach MMI.



MMI is an important milestone in your workers' compensation case.

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9. Final Admission of Liability

I Received a Final Admission. What should I do?

A Final Admission of Liability is a statement from your insurance company that lists the benefits it thinks it is responsible for paying on your claim, and what your permanent disability rating is.

Once an Admission of Liability is issued, an insurance company is bound to pay the benefits set forth in the admission until it can terminate benefits under the law. In some cases, it is an effort to close out your claim, and it may even close out all further medical benefits.

In most cases, you should file an objection to a Final Admission of Liability.

If you do not, your case can close and you may lose out on certain benefits.

It is in your best interest to [contact an attorney](#) as soon as you receive an Admission of Liability, because there are strict deadlines that have to be met to object to it. An experienced attorney can advise you on how to proceed.

Colorado Final Admission of Liability

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10. Independent Medical Examinations

In Colorado, there are important differences between an IME, or Independent Medical Exam and a DIME, or Division Independent Medical Exam.

An IME can be performed by any doctor. Either you or the insurance carrier can send you to a doctor for an IME to get additional information about things like: your condition, whether your injury is work related or have you reached maximum medical improvement?



Once you are put at Maximum Medical Improvement (MMI) by your doctor, either you or your insurance company can request a second opinion through a Division Independent Medical Examination (DIME) The DIME doctor will decide whether they agree with your doctor's date of MMI, and will calculate an impairment rating.

Choosing the DIME doctor can have drastic consequences for your case.

If your case ends up in court, the DIME doctor's opinion is entitled to extra weight, and can only be overcome with "clear and convincing" evidence. Therefore, it is crucial to select a doctor who is likely to be fair to you.

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10. Independent Medical Examinations (cont.)

The law requires you to negotiate with the insurance company and try to agree on a doctor to perform the DIME.

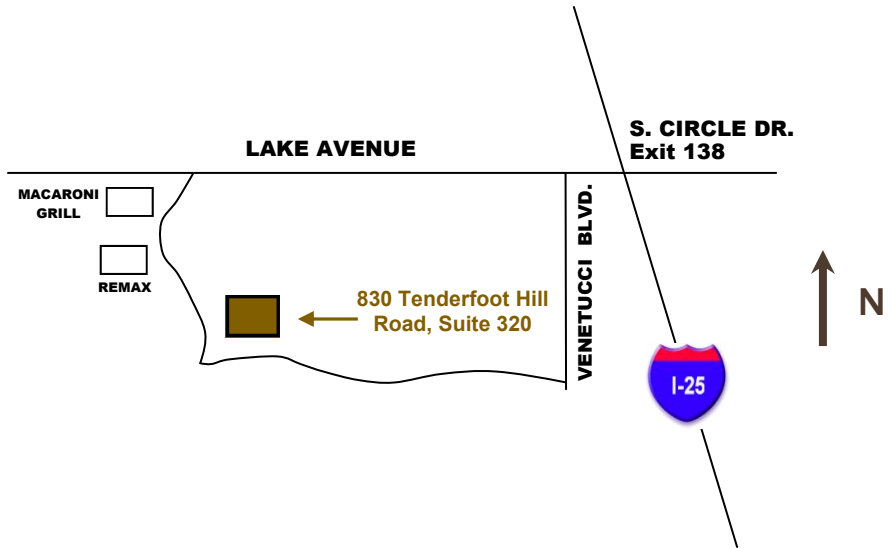
- Of course, the claims adjuster has done this multiple times and knows which doctors are more likely to favor the insurance company and the employer.
- On the other hand, you have no way to know which doctors tend to be fair.
- For this reason, it is easy for the adjuster to take advantage of you and trick you into agreeing to an unfavorable doctor.
- At the very least, you lose the opportunity to suggest a reasonable doctor that the insurance company might agree to.

If you cannot agree with the adjuster on a doctor to perform the DIME, the Division of Workers' Compensation will issue a list of three doctors, and each side has a chance to strike one doctor. The adjuster knows what doctor on the list will give them the best result, but you are unlikely to know which doctor is most likely to be fair to you.

For these reasons, it is generally advisable to [have a competent attorney working for you](#) to maximize your odds of a favorable DIME.

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SPENCER & SPENCER, P.C.

ATTORNEYS AT LAW

830 Tenderfoot Hill Road, Suite 320
Colorado Springs, CO 80906
719-632-4808
www.2spencers.com