

## **CO DOWC Emergency Rules Breakdown 03/31/2020**

Late Monday, the Colorado Division of Workers' Compensation issued a second set of emergency rules (attached). These rules address telehealth billing and return to work. For our purposes, the most important provision is Section 5:

“Parties are encouraged to utilize telehealth wherever medically appropriate. Telehealth appointments are specifically allowed for return to work evaluations of essential employees of critical employers as defined in Amended Public Health Order 20-24, when those employees are physically able to do so. Notwithstanding any other provision of rule, an in-person examination will not be required where either the injured worker or medical provider objects to such an examination.”

Thus, the Division is encouraging physicians to utilize telehealth appointments whenever appropriate, including medical appointments addressing return to work. In other words, we may set telehealth appointments for ATPs to address work restrictions, including release to full duty. If you haven't already, please confirm that your ATPs are utilizing telehealth.

In addition, The DIME Unit issued an advisory (attached) to the Level II physicians regarding performing DIMEs in light of Covid-19. The DIME Unit advised that telehealth appointments are permissible for DIME appointments. Accordingly, if you receive feedback from a DIME physician that they are unwilling to perform an in person evaluation, please advise that telehealth is an option.

As always, if you have any questions, please contact me directly, or any Ritsema attorney. Stay safe.