

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0182.01 Nicole Myers x4326

HOUSE BILL 18-1056

HOUSE SPONSORSHIP

Van Winkle, Ginal, Ransom, Williams D.

SENATE SPONSORSHIP

Cooke,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE STATEWIDE STANDARD HEALTH HISTORY FORM
102 THAT MEMBERS OF THE FIRE AND POLICE PENSION ASSOCIATION
103 COMPLETE WHEN COMMENCING EMPLOYMENT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Police Officers' and Firefighters' Pension Reform Commission.

Every member of the fire and police pension association (FPPA), at the commencement of employment, is required to complete a health history on a statewide standard health history form (form). The purpose of the form is to notify FPPA of a member's health history as it exists at the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

commencement of employment. The employer of a member can be liable for the total payment of disability and survivor benefits that may be awarded to the member if, in addition to other factors, the employer did not file the form with the FPPA.

The bill clarifies several aspects of the form. Specifically, the bill:

- ! Specifies that all newly hired members are required to fill out the form;
- ! Clarifies that the employer must require newly hired members to complete and file the form;
- ! Authorizes the board of directors of the FPPA to adopt an electronic format for the completion and filing of the form; and
- ! Specifies that any member who omits or conceals, rather than fraudulently conceals, a material fact concerning his or her health history on the form may be disqualified from receiving disability or survivor benefits.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 31-31-810, **amend**
3 (1)(a)(III), (1)(c), (2)(a)(IV), and (2)(c)(I) as follows:

4 **31-31-810. Employer liability - statewide standard health**
5 **history form.** (1) (a) The employer of a member shall be liable for the
6 total payment of benefits awarded under this part 8 if the board
7 determines that:

8 (III) The employer failed to ~~obtain and~~ REQUIRE THE MEMBER TO
9 COMPLETE AND file the health form required by ~~paragraph (c) of this~~
10 ~~subsection (1)~~ SUBSECTION (1)(c) OF THIS SECTION.

11 (c) (I) Every NEWLY HIRED member ~~whose employment~~
12 ~~commences on or after September 1, 1989~~, shall complete a health history
13 on the statewide standard health history form, described in ~~subparagraph~~
14 ~~(HH) of this paragraph (c)~~ SUBSECTION (1)(c)(III) OF THIS SECTION.

15 (II) Every employer ~~of a member who commences employment~~
16 ~~on or after September 1, 1989~~, shall furnish the statewide standard health

1 ~~history form to the newly hired member and shall require its completion~~
2 OF THE STATEWIDE STANDARD HEALTH HISTORY FORM by the newly hired
3 member within thirty days of the first date of employment. The completed
4 form shall be filed with the fire and police pension association within
5 sixty days from commencement of employment IF FILED BY THE
6 EMPLOYER AFTER COMPLETION.

7 (III) ~~Not later than July 1, 1989,~~ The board shall adopt, pursuant
8 to the authority granted it by section 31-31-202 (1)(j), a statewide
9 standard health history form. ~~The board shall consult with its medical~~
10 ~~advisor in the preparation of the form. Copies of the form shall be~~
11 ~~delivered to all employers not later than August 1, 1989.~~ The board may
12 revise the form from time to time and ~~shall deliver revised forms to all~~
13 ~~employers not later than thirty days prior to the effective date of use of~~
14 ~~such revised form~~ MAY ADOPT AN ELECTRONIC FORMAT FOR COMPLETING
15 AND FILING THE FORM.

16 (IV) Any member who ~~fraudulently~~ OMITTS OR conceals any
17 material fact concerning health history when completing the form may be
18 disqualified from receiving an award of disability benefits under this
19 section if the board determines that the ~~condition~~ INFORMATION OMITTED
20 OR concealed by the member, ~~proximately caused the total or~~
21 ~~occupational disability~~ IF DISCLOSED, WOULD OTHERWISE RESULT IN A
22 DENIAL OF THE DISABILITY BENEFIT.

23 (V) Any member shall be ineligible for disability benefits with
24 respect to an occupational or total disability that is the proximate
25 consequence or result of a medical condition disclosed by the member on
26 the statewide standard health history form.

27 (2) (a) The employer of a deceased member shall be liable for the

1 total payment of benefits awarded under this part 8 if the board
2 determines that:

3 (IV) The employer failed to ~~obtain and~~ REQUIRE THE MEMBER TO
4 COMPLETE AND file the health form required by ~~paragraph (c) of~~
5 ~~subsection (1)~~ SUBSECTION (1)(c) of this section.

6 (c) (I) The surviving spouse and dependent children of a member,
7 whose employer filed the statewide standard health history form pursuant
8 to ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(c) of this section, may
9 be disqualified from receiving an award of survivor benefits under this
10 section if the deceased member ~~fraudulently~~ OMITTED OR concealed any
11 material fact concerning the member's health history when completing the
12 form, and the board determines that the ~~condition~~ INFORMATION OMITTED
13 OR concealed by the member, ~~proximately caused the death of the~~
14 ~~member~~ IF DISCLOSED, WOULD OTHERWISE RESULT IN A DENIAL OF THE
15 DEATH BENEFIT.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2018 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.