

Seeking an Innovative Solution: Taking Heart & Cancer Out of Worker's Comp

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2007 Presumptive Cancer Legislation

Rebuttable presumption on five cancers

Burden of proof moved from firefighter to employer

21 days for determination

Every claim resulted in notice of contest by WC

Firefighters needed legal counsel

2007 Presumptive Cancer Was Problematic

Very costly for both firefighters & employers

**Trying to align medical coverage into an injury
oriented system**

Didn't work as anticipated

2015 New Presumptive for Heart

Heart not previously covered as presumptive

CSFC joined with CPFF Effort

WC Provider Facilitated Stakeholder Discussions

Easy-to-Administer Accident Type Policy

BUT = Colorado = Unfunded Mandates = NO

The Power of Collaboration

CPFF had long & deep relationships with legislators

**CSFC participation demonstrated power of
collaboration**

**Colorado Special District Association supported and
Colorado Municipal League opposed **IF** unfunded
mandate**

Full state reimbursement of Trust premiums

We Built Our Own Trust Program

**Funds stayed in Colorado & answered concern of
Governor**

Owned & managed by members

Better benefit at reduced cost = Win/Win

**State funded for career firefighters
(volunteers can buy into Trust)**

2015 Heart Trust Working Well

90% of submitted claims paid within 10 days

10% simply did not meet eligibility

If heart, then why not cancer?

Finding a Better Cancer Solution

Extensive stakeholder involvement

CPFF & CSFC

SDA & CML

State's largest WC insurer

Other WC insurers

FD human resources managers

Municipal & special district risk managers

Municipal & special district attorneys

Initial Issues

Heart Trust working well, could cancer be included?

How to quantify risk? Actuarial studies required

No unfunded mandate / No state funding / Voluntary only

Could Trust participation vacate liability under 2007 cancer presumptive?

New Legislation required

Why the Cancer Trust Approach Works

One Goal

Address issues with presumptive legislation and apply solutions from other programs that work well

Vacates responsibility under 2007 presumptive

Board of Trustees = Members

Rapid cash benefit based on diagnosis & severity

Covers out-of-pocket expenses

2017 Voluntary Cancer Benefits Trust

Legislation passed Colorado General Assembly 100/0



Win-Win

For the firefighter

- **No fighting for benefits**
- **No attorney costs**
- **Personal medical team**
- **Claim paid upon diagnosis**
- **Payment with 10 days of completed claim form**
- **No offsets**
- **Time off = individual agency on-duty policies**

Win-Win

For the Fire Department

- **Voluntary participation**
- **Participation vacates 2007 cancer presumptive**
- **Known annual expenditure per firefighter**
- **Risk transferred to Trust**
- **Self-insured jurisdictions do not have to hold taxpayer funded reserves to pay claims**
- **Trust payments capped at \$250K**



COLORADO FIREFIGHTER
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