

Colorado Rejects Bill Restricting Video Surveillance

By: Patricia-Anne Tom
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The Colorado Senate Judiciary Committee last night defeated a bill that would have limited the use of surveillance of employees who have submitted a workers' compensation claim.

Among other things, HB 1012, would have restricted video surveillance to only when the insurer or employer had a reasonable basis to suspect that the employee committed fraud or made a material misstatement concerning the claim; and would have required the insurer or employer to destroy all materials collected during the surveillance within five years, unless the materials were reasonably necessary to resolve an ongoing claim of fraud.

"We and others in the anti-fraud community felt the bill wasn't the best bill out there and didn't need to go forward," said Howard Goldblatt, director of government affairs for the **Coalition Against Insurance Fraud**.

Goldblatt said the Coalition believes the bill's defeat is a "victory for the antifraud community" because it had concerns about several provisions, one being that the insurance community had to have reasonable belief that fraud was committed before could video surveillance and the requirement to destroy materials within five years if there isn't an ongoing fraud investigation.

"Our concerns mainly are that there might be other reasons to maintain those records and conduct surveillance than pure antifraud," Goldblatt said. "Those questions were never fully

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explored or answered, neither in the House or Senate Committee in its review of the bill."

Meanwhile, the Coalition is waiting for Gov. Bill Ritter to sign a bill that would raise the [annual assessment](#) on insurers to fund the attorney general's antifraud efforts from \$425 to \$561.

"Colorado should be commended for the foresight in this troubled economy to bolster its anti-fraud effort," Goldblatt wrote to the Colorado governor in support of the legislation.