

EXECUTIVE SUMMARY

Colorado Firefighters Cancer Trust's Voluntary Cancer Award Program

In 2007 Colorado enacted the Firefighter's Cancer Presumptive Act (HB 07-1088), which states the death, disability, or impairment of health of a firefighter who has completed five or more years of employment as a firefighter, caused by cancer of the brain, skin, digestive system, hematological system, or genitourinary system and resulting from employment as a firefighter, shall be considered an occupational disease. The presumptive act also states the cancer **"Shall not be deemed to result from the firefighter's employment if the firefighter's employer or insurer shows by a preponderance of the medical evidence that such condition or impairment did not occur on the job"**. The intent of this Act was to ensure quality care for Firefighters affected by cancer. The burden of proof for an employee alleging a Workers' Compensation claim was placed upon the employer/insurer to investigate and determine eligibility under the Colorado Workers' Compensation Act.

In 2017 the Colorado legislature determined that the CO Firefighter's Cancer Presumptive Act produced no demonstrable benefit to Firefighters, instead causing additional hardships (denials of coverage and delays in compensability determination during employer/carrier investigation) and led to significantly greater costs to employers of Firefighters. Senate Bill 17-214, established the Voluntary Cancer Award Program (VCAP), allowing Colorado Fire Departments to move cancer out of Workers' Compensation and into an alternative program. Intent of the bill was to "provide a practical alternative for Firefighters to pursue in dealing with the costs and burdens of covered cancers without being forced to rely on recovering compensation under the rebuttable presumption created by House Bill 07-1088". C.R.S. § 29-5-401. The Colorado Workers' Compensation Act was amended to state that an employer who participates in the VCAP is not subject to the requirements of coverage under the Presumptive Act unless the employer ends participation in the VCAP. C.R.S § 8-41-209.

VCAP is a benefit paid to eligible claimants based on type of cancer and stage. Payout is immediate upon approval of claim documents, with no in-depth investigation required. The Colorado Firefighter's Heart and Cancer Trust, along with a Trust Committee, was established to oversee the VCAP benefit program.

Analysis of Workers' Compensation benefits, Denver Fire Department (DFD) Collective Bargaining benefits, and Fire and Police Pension Association benefits available to DFD employees impacted by eligible cancer claims determined DFD members are best served by the City and County of Denver's participation in the State's VCAP program as an alternate to Workers' Compensation. The City and County of Denver entered into an Adoption Agreement with the Trust in 2022. This program has proven to be an extremely successful alternative to Workers' Compensation, and thus an extension of the Adoption Agreement is being requested. The annual membership cost is paid for by the Workers' Compensation Internal Service Fund. This ordinance request is supported by the Denver Fire Department and the Local 858.