

FIRST REGULAR SESSION

# HOUSE BILL NO. 971

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SECREST.

Read 1<sup>st</sup> time March 13, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1878L.011

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### AN ACT

To repeal section 287.655, RSMo 2000, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 287.655, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 287.655, to read as follows:

287.655. 1. Any injury or claim for compensation before the division shall be dismissed by a written order of dismissal pursuant to the filing of a written request for dismissal with an administrative law judge by an employee or by an employee and the employee's attorney, if represented, without the necessity of notice of hearing otherwise required pursuant to sections 287.450, 287.460 and 287.520, the following subject to review and appeal set forth in subsection 2 of this section.

2. Any claim before the division may be dismissed for failure to prosecute in accordance with rules and regulations promulgated by the commission, except such notice need not be by certified or registered mail if the person or entity to whom notice is directed is represented by counsel and counsel is also given such notice at counsel's last known address. To dismiss a claim the administrative law judge shall enter an order of dismissal which shall be deemed an award and subject to review and appeal in the same manner as provided for other awards in this chapter.

3. On or after August 28, 2001, subject to the provisions in subsections 1 and 2 of this section, any claim for compensation filed with the division pursuant to this chapter for which no hearing has been conducted for a period of three years after the date of acknowledgment of the claim for compensation by the division shall be automatically dismissed, upon written notification by certified mail notice from the division to the

19 employee, of a hearing date certain for the employee to appear and present his or her case,  
20 with prejudice to any further rights of the employee, provided that in the event the  
21 employee can demonstrate that he or she is under the active medical care of a qualified  
22 physician on a regular basis within six months before the expiration of the three-year  
23 period, the three-year period shall not apply, but shall be extended for a period of three  
24 years from the last date of such medical care as the administrative law judge shall deem  
25 appropriate, provided the employee is under medical care and there is a good and valid  
26 reason for keeping such case open. At such time as no such valid reason continues to exist,  
27 the case shall be dismissed by the division upon written notification by certified mail notice  
28 from the division to the employee of the hearing, at which time the employee's claim shall  
29 be automatically dismissed, with prejudice to any further rights the employee might have  
30 pursuant to this chapter. The written order of the administrative law judge shall set forth  
31 in detail the nature and character of the history of the case and the reason for dismissal.

32       4. Should any employee fail to keep two consecutive regularly scheduled medical  
33 appointments for treatment or evaluation purposes, the employee, if given at least two  
34 weeks prior notice, shall reimburse the physician an appropriate amount for the  
35 physician's time in scheduling the appointment at his or her reasonable cost for same. This  
36 cost may be assessed against the employee with respect to any such appointment. If the  
37 employer or its insurer pays a physician a reasonable amount for such appointment not  
38 kept, such employer or its insurer shall be directly reimbursed, in lieu of said lien, out of  
39 the settlement proceeds, or any award of compensation.