

HB 1185 -- Workers' Compensation Benefits

Sponsor: Burnett

This bill makes several changes to the laws regarding workers' compensation. The bill:

- (1) Extends benefits to all partners and sole proprietors;
- (2) Prohibits members of limited liability companies from electing to reject workers' compensation coverage;
- (3) Clarifies that though an employer may not be liable under the provisions regarding contractors, subcontractors, and landlords they are not immune from civil actions brought by an employee or an employee's dependents;
- (4) Extends the definition of "occupational disease" to include diseases of the immune system and the blood and vascular system, extends the definition of "disability due to exposure" to include contact with bodily fluids of another person as an incidence of employment and contact with used needles, syringes, or other medical apparatus, and extends exposure to psychological stress to include peace officers, emergency medical technicians, and other health care workers. If a direct causal link is established, a rebuttable presumption of a compensable injury or disease is created;
- (5) Extends coverage to real estate agents and direct sellers;
- (6) Requires insurance companies to provide detailed claim and financial information to the Division of Workers' Compensation when required to operate a physical office within the state and to have all Missouri claims adjusted by a person in this state;
- (7) Prohibits corporations with no more than two owners who are also the only employees from withdrawing from workers' compensation provisions;
- (8) Requires a fiscal note to be written as to the savings created by any amendments to the workers' compensation law that reduce the amount of compensation benefits received by injured employees or their dependents and requires a commensurate reduction in the premium charged to employers;
- (9) Extends workers' compensation law to include all injuries and occupational disease contracted outside of Missouri if the employee is a resident of this state at the time;
- (10) Restricts employers' immunity from civil suits in some

cases;

(11) Requires that the statute of limitations begin running when an employer obtains knowledge of an injury. If liability is not rejected within 90 days after the date of the filing of a claim for compensation, the injury is presumed compensable;

(12) Allows an employee to select a medical provider at the employer's expense if the employer is notified before the examination;

(13) Makes changes regarding evaluation of vocational rehabilitation services;

(14) Defines "suitable, substantial, and gainful employment" with reference to vocational rehabilitation;

(15) Sets the date at which interest penalties can be charged for weekly benefit payments at 30 days past the due date;

(16) Increases the maximum weekly compensation paid to 200% of the state average weekly wage and the minimum to 50% of the state average weekly wage after August 28, 2003;

(17) Increases the frequency range for hearing loss due to industrial noise from 2,000 to 4,000 cycles per second;

(18) Requires that within 30 days of notice of an employee's compensable death employers pay dependents an advancement of compensation of \$25,000;

(19) Entitles dependents of employees who die of compensable injuries to \$2,000 per semester scholarships to Missouri accredited postsecondary institutions for five years;

(20) Requires employers to conduct reasonable investigations of all claims for workers' compensation prior to denying these claims;

(21) Requires employers or insurers requesting depositions of employees or dependents to provide additional benefits; and

(22) Defines "medical legal expense."