

HCS HB 1100 -- WORKERS' COMPENSATION

SPONSOR: Bernskoetter

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Employment Security by a vote of 7 to 4.

This bill provides that a positive test result for a nonprescribed controlled drug shall give rise to a rebuttable presumption that the drug was in the employee's system. If the test is administered within 24 hours of an injury, there shall be a rebuttable presumption that the injury was sustained in conjunction with the use of the drug. The presumption may be rebutted by a preponderance of the evidence.

The bill provides that an employee may explicitly agree that a claim for specified prosthetics cannot be reactivated. If an employee voluntarily separates from employment when work is available in compliance with any medical restrictions imposed as a result of an injury, then no temporary total or temporary partial disability benefits shall be paid to the employee.

New applicants to specified self-insured trusts shall submit to the Division of Workers' Compensation proof of payment of 25% of the estimated annual premium. Self-insured trusts may invest surplus moneys from a prior trust year not needed for current obligations.

This bill is similar to SS SCS SB 113 (2017).

PROPONENTS: Supporters say that this reform of the workers' compensation laws will provide employers stability as they expand their businesses while continuing to provide protection for employees. The bill clarifies certain legal terms in the current law, allows for the permanent settlement of certain claims involving prosthetics, and helps prevent abuse of temporary disability compensation.

Testifying for the bill were Representative Bernskoetter; Missouri Chamber of Commerce and Industry; Missouri Merchants and Manufacturers Association; Associated Industries of Missouri; Missouri Retailers Association and Missouri Growers Association; and the Missouri Self Insurance Association.

OPPONENTS: Those who oppose the bill say that because worker compensation rates are going down, there is no immediate need for this bill. The bill further interferes with the current no-fault workers' compensation system that balances certain trade-offs between employees and employers. The bill will create mini-litigation over false negative drug tests and shifts the costs in

certain injury cases to Medicare, Medicaid and other sources of health care coverage.

Testifying against the bill was the Missouri Family Policy Council (MATA).