

HCS HB 2267 -- WORKERS' COMPENSATION

SPONSOR: Eggleston

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Small Business by a vote of 6 to 1.

The following is a summary of the House Committee Substitute for HB 2267.

This bill modifies the adjudicative process for disputes in workers' compensation claims relating to the modification, delay, or denial of health care service or aid received by an employee under a medical review decision. Specifically, the Director of the Division of Workers' Compensation is required to contract with up to three independent medical review organizations (IMROs) to resolve such disputes through the process of an independent medical review (IMR).

Within 20 days of the receipt of a request for an IMR and all medical records related to the dispute that are in possession of the director, the IMRO must submit to the director its opinion of the issues reviewed. A dispute resolved by an IMRO must be certified by the director within 10 calendar days of the decision and must be considered binding on the parties, provided that the director can order further review by the IMRO under certain circumstances.

A dispute resolved by an IMRO and certified by the director may be appealed to an administrative law judge (ALJ) by the employer or employee no later than 10 calendar days after the certification of the decision. An ALJ has 21 calendar days to review such decision. The ALJ is required to remit the case back to the director for a new IMR under specific circumstances outlined in the bill. Otherwise, the decision of the IMRO shall remain binding. The bill includes certain conflicts of interest restrictions governing IMROs retained by the director. Specifically, a retained IMRO cannot have any material, professional, familial, or financial interest in the case.

This bill is similar to SB 897 (2020).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPOSERS: Supporters say that this bill will improve the administrative proceedings and process for workers' compensation claims. Using IMRs will make workers' compensation cases more

efficient, and the cases will be resolved faster. Approximately 20,000 workers' compensation claims are submitted per month. California created a similar process which helped removed fraudulent doctors and helped people return to work quicker.

Testifying for the bill were Representative Eggleston; Tom Naughton, Maximus Inc.; Kip Danul, Maximus; and Associated Industries of Missouri.

OPPONENTS: Those who oppose the bill do not agree that any dispute regarding a workers' compensation claim should be resolved through a system of binding independent medical review because Missouri's current system is not a failed system. Opponents stated that workers' compensation costs have decreased over the years. Because such cost have decreased, the system that Missouri is currently using is working.

Testifying against the bill was Missouri Merchants and Manufacturer's Association.