

FIRST REGULAR SESSION

# HOUSE BILL NO. 123

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE VEIT.

0189H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 287.200, 287.470, 287.610, 287.615, 287.812, 287.835, and 621.045, RSMo, and to enact in lieu thereof seven new sections relating to workers' compensation.

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

Section A. Sections 287.200, 287.470, 287.610, 287.615, 287.812, 287.835, and  
2 621.045, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as  
3 sections 287.200, 287.470, 287.610, 287.615, 287.812, 287.835, and 621.045, to read as  
4 follows:

287.200. 1. Compensation for permanent total disability shall be paid during the  
2 continuance of such disability from the date of maximum medical improvement for the  
3 lifetime of the employee at the weekly rate of compensation in effect under this subsection on  
4 the date of the injury for which compensation is being made. The word "employee" as used  
5 in this section shall not include the injured worker's dependents, estate, or other persons to  
6 whom compensation may be payable as provided in subsection 1 of section 287.020. The  
7 amount of such compensation shall be computed as follows:

8 (1) For all injuries occurring on or after September 28, 1983, but before September  
9 28, 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds  
10 percent of the injured employee's average weekly earnings during the year immediately  
11 preceding the injury, as of the date of the injury; provided that the weekly compensation paid  
12 under this subdivision shall not exceed an amount equal to seventy percent of the state  
13 average weekly wage, as such wage is determined by the division of employment security, as  
14 of the July first immediately preceding the date of injury;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 (2) For all injuries occurring on or after September 28, 1986, but before August 28,  
16 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent  
17 of the injured employee's average weekly earnings during the year immediately preceding the  
18 injury, as of the date of the injury; provided that the weekly compensation paid under this  
19 subdivision shall not exceed an amount equal to seventy-five percent of the state average  
20 weekly wage, as such wage is determined by the division of employment security, as of the  
21 July first immediately preceding the date of injury;

22 (3) For all injuries occurring on or after August 28, 1990, but before August 28, 1991,  
23 the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of the  
24 injured employee's average weekly earnings as of the date of the injury; provided that the  
25 weekly compensation paid under this subdivision shall not exceed an amount equal to one  
26 hundred percent of the state average weekly wage;

27 (4) For all injuries occurring on or after August 28, 1991, the weekly compensation  
28 shall be an amount equal to sixty-six and two-thirds percent of the injured employee's average  
29 weekly earnings as of the date of the injury; provided that the weekly compensation paid  
30 under this subdivision shall not exceed an amount equal to one hundred five percent of the  
31 state average weekly wage;

32 (5) For all injuries occurring on or after September 28, 1981, the weekly  
33 compensation shall in no event be less than forty dollars per week.

34 2. Permanent total disability benefits that have accrued through the date of the injured  
35 employee's death are the only permanent total disability benefits that are to be paid in  
36 accordance with section 287.230. The right to unaccrued compensation for permanent total  
37 disability of an injured employee terminates on the date of the injured employee's death in  
38 accordance with section 287.230, and does not survive to the injured employee's dependents,  
39 estate, or other persons to whom compensation might otherwise be payable.

40 3. **(1)** All claims for permanent total disability shall be determined in accordance  
41 with the facts. ~~When an injured employee receives an award for permanent total disability~~  
42 ~~but by the use of glasses, prosthetic appliances, or physical rehabilitation the employee is~~  
43 ~~restored to his or her regular work or its equivalent, the life payment mentioned in subsection~~  
44 ~~1 of this section shall be suspended during the time in which the employee is restored to his or~~  
45 ~~her regular work or its equivalent.]~~ The employer and the division shall keep the file open in  
46 the case during the lifetime of any injured employee who has received an award of permanent  
47 total disability.

48 **(2)** **When an injured employee receives an award for permanent total disability**  
49 **but by the use of glasses, prosthetic appliances, or physical rehabilitation the employee**  
50 **is restored to his or her regular work or its equivalent, the life payment mentioned in**  
51 **subsection 1 of this section shall be suspended during the time in which the employee is**

52 **restored to his or her regular work or its equivalent.** In any case where the life payment is  
53 suspended under this ~~[subsection]~~ **subdivision**, the commission may at reasonable times  
54 review the case and either the employee or the employer may request an informal conference  
55 with the commission relative to the resumption of the employee's weekly life payment in the  
56 case.

57 **(3) Upon filing of a written agreement signed by the claimant and his or her**  
58 **attorney, the commission shall change the name, information, or fee arrangement of the**  
59 **attorney or law firm associated with the claimant's case.**

60 4. For all claims filed on or after January 1, 2014, for occupational diseases due to  
61 toxic exposure which result in a permanent total disability or death, benefits in this chapter  
62 shall be provided as follows:

63 (1) Notwithstanding any provision of law to the contrary, such amount as due to the  
64 employee during said employee's life as provided for under this chapter for an award of  
65 permanent total disability and death, except such amount shall only be paid when benefits  
66 under subdivisions (2) and (3) of this subsection have been exhausted;

67 (2) For occupational diseases due to toxic exposure, but not including mesothelioma,  
68 an amount equal to two hundred percent of the state's average weekly wage as of the date of  
69 diagnosis for one hundred weeks paid by the employer; and

70 (3) In cases where occupational diseases due to toxic exposure are diagnosed to be  
71 mesothelioma:

72 (a) For employers that have elected to accept mesothelioma liability under this  
73 subsection, an additional amount of three hundred percent of the state's average weekly wage  
74 for two hundred twelve weeks shall be paid by the employer or group of employers such  
75 employer is a member of. Employers that elect to accept mesothelioma liability under this  
76 subsection may do so by either insuring their liability, by qualifying as a self-insurer, or by  
77 becoming a member of a group insurance pool. A group of employers may enter into an  
78 agreement to pool their liabilities under this subsection. If such group is joined, individual  
79 members shall not be required to qualify as individual self-insurers. Such group shall comply  
80 with section 287.223. In order for an employer to make such an election, the employer shall  
81 provide the department with notice of such an election in a manner established by the  
82 department. The provisions of this paragraph shall expire on December 31, 2038; or

83 (b) For employers who reject mesothelioma under this subsection, then the exclusive  
84 remedy provisions under section 287.120 shall not apply to such liability. The provisions of  
85 this paragraph shall expire on December 31, 2038; and

86 (4) The provisions of subdivision (2) and paragraph (a) of subdivision (3) of this  
87 subsection shall not be subject to suspension of benefits as provided in subsection 3 of this  
88 section; and

89 (5) Notwithstanding any other provision of this chapter to the contrary, should the  
90 employee die before the additional benefits provided for in subdivision (2) and paragraph (a)  
91 of subdivision (3) of this subsection are paid, the additional benefits are payable to the  
92 employee's spouse or children, natural or adopted, legitimate or illegitimate, in addition to  
93 benefits provided under section 287.240. If there is no surviving spouse or children and the  
94 employee has received less than the additional benefits provided for in subdivision (2) and  
95 paragraph (a) of subdivision (3) of this subsection the remainder of such additional benefits  
96 shall be paid as a single payment to the estate of the employee;

97 (6) The provisions of subdivision (1) of this subsection shall not be construed to  
98 affect the employee's ability to obtain medical treatment at the employer's expense or any  
99 other benefits otherwise available under this chapter.

100 5. Any employee who obtains benefits under subdivision (2) of subsection 4 of this  
101 section for acquiring asbestosis who later obtains an award for mesothelioma shall not receive  
102 more benefits than such employee would receive having only obtained benefits for  
103 mesothelioma under this section.

287.470. 1. Upon its own motion or upon the application of any party in interest on  
2 the ground of a change in condition, the commission may at any time upon a rehearing after  
3 due notice to the parties interested review any award and on such review may make an award  
4 ending, diminishing or increasing the compensation previously awarded, subject to the  
5 maximum or minimum provided in this chapter, and shall immediately send to the parties and  
6 the employer's insurer a copy of the award. No such review shall affect such award as regards  
7 any moneys paid.

8 **2. Upon the filing of a written agreement signed by the claimant and his or her**  
9 **attorney, the commission shall change the name, information, or fee arrangement of the**  
10 **attorney or law firm associated with the claimant's case.**

287.610. 1. After August 28, 2005, the division may appoint additional  
2 administrative law judges for a maximum of forty authorized administrative law judges.  
3 Appropriations shall be based upon necessity, measured by the requirements and needs of  
4 each division office. Administrative law judges shall be duly licensed lawyers under the laws  
5 of this state. Administrative law judges shall not practice law or do law business and shall  
6 devote their whole time to the duties of their office. The director of the division of workers'  
7 compensation shall publish and maintain on the division's website the appointment dates or  
8 initial dates of service for all administrative law judges.

9 ~~2. [The thirteen administrative law judges with the most years of service shall be~~  
10 ~~subject to a retention vote on August 28, 2008. The next thirteen administrative law judges~~  
11 ~~with the most years of service in descending order shall be subject to a retention vote on~~  
12 ~~August 28, 2012. Administrative law judges appointed and not previously referenced in this~~

13 ~~subsection shall be subject to a retention vote on August 28, 2016. Subsequent retention~~  
14 ~~votes shall be held every twelve years. Any administrative law judge who has received two~~  
15 ~~or more votes of no confidence under performance audits by the committee shall not receive a~~  
16 ~~vote of retention.~~

17 ~~3. The administrative law judge review committee members shall not have any direct~~  
18 ~~or indirect employment or financial connection with a workers' compensation insurance~~  
19 ~~company, claims adjustment company, health care provider nor be a practicing workers'~~  
20 ~~compensation attorney. All members of the committee shall have a working knowledge of~~  
21 ~~workers' compensation.~~

22 ~~4. The committee shall within thirty days of completing each performance audit make~~  
23 ~~a recommendation of confidence or no confidence for each administrative law judge.~~

24 ~~5.]~~ The administrative law judges appointed by the division shall only have  
25 jurisdiction to hear and determine claims upon original hearing and shall have no jurisdiction  
26 upon any review hearing, either in the way of an appeal from an original hearing or by way of  
27 reopening any prior award, except to correct a clerical error in an award or settlement if the  
28 correction is made by the administrative law judge within twenty days of the original award  
29 or settlement. The labor and industrial relations commission may remand any decision of an  
30 administrative law judge for a more complete finding of facts. The commission may also  
31 correct a clerical error in awards or settlements within thirty days of its final award. With  
32 respect to original hearings, the administrative law judges shall have such jurisdiction and  
33 powers as are vested in the division of workers' compensation under other sections of this  
34 chapter, and wherever in this chapter the word "commission", "commissioners" or "division"  
35 is used in respect to any original hearing, those terms shall mean the administrative law  
36 judges appointed under this section. When a hearing is necessary upon any claim, the  
37 division shall assign an administrative law judge to such hearing. Any administrative law  
38 judge shall have power to approve contracts of settlement, as provided by section 287.390,  
39 between the parties to any compensation claim or dispute under this chapter pending before  
40 the division of workers' compensation. Any award by an administrative law judge upon an  
41 original hearing shall have the same force and effect, shall be enforceable in the same manner  
42 as provided elsewhere in this chapter for awards by the labor and industrial relations  
43 commission, and shall be subject to review as provided by section 287.480.

44 ~~[6.]~~ 3. Any of the administrative law judges employed pursuant to this section may be  
45 assigned on a temporary basis to the branch offices as necessary in order to ensure the proper  
46 administration of this chapter.

47 ~~[7.]~~ 4. All administrative law judges shall be required to participate in, on a  
48 continuing basis, specific training that shall pertain to those elements of knowledge and  
49 procedure necessary for the efficient and competent performance of the administrative law

50 judges' required duties and responsibilities. Such training requirements shall be established  
51 by the division subject to appropriations and shall include training in medical determinations  
52 and records, mediation and legal issues pertaining to workers' compensation adjudication.  
53 Such training may be credited toward any continuing legal education requirements.

54 ~~[8. (1) The administrative law judge review committee shall conduct a performance~~  
55 ~~audit of all administrative law judges every two years. The audit results, stating the~~  
56 ~~committee's recommendation of confidence or no confidence of each administrative law~~  
57 ~~judge shall be sent to the governor no later than the first week of each legislative session~~  
58 ~~immediately following such audit. Any administrative law judge who has received three or~~  
59 ~~more votes of no confidence under two successive performance audits by the committee may~~  
60 ~~have their appointment immediately withdrawn.~~

61 ~~(2) The review committee shall consist of one member appointed by the president pro~~  
62 ~~tem of the senate, one member appointed by the minority leader of the senate, one member~~  
63 ~~appointed by the speaker of the house of representatives, and one member appointed by the~~  
64 ~~minority leader of the house of representatives. The governor shall appoint to the committee~~  
65 ~~one member selected from the commission on retirement, removal, and discipline of judges.~~  
66 ~~This member shall act as a member ex officio and shall not have a vote in the committee. The~~  
67 ~~committee shall annually elect a chairperson from its members for a term of one year. The~~  
68 ~~term of service for all members shall be two years. The review committee members shall all~~  
69 ~~serve without compensation. Necessary expenses for review committee members and all~~  
70 ~~necessary support services to the review committee shall be provided by the division.]~~

71 **5. The director of the division may file a complaint with the administrative**  
72 **hearing commission, as provided under chapter 621, seeking to remove an**  
73 **administrative law judge from office if the administrative law judge:**

74 **(1) Has committed any criminal offense, regardless of whether a criminal charge**  
75 **has been filed;**

76 **(2) Has been convicted, or has entered a plea of guilty or nolo contendere in a**  
77 **criminal prosecution under the laws of any state, the United States, or of any country,**  
78 **regardless of whether sentence is imposed;**

79 **(3) Is guilty of misconduct, habitual intoxication, willful neglect of duty,**  
80 **corruption in office, or incompetency; or**

81 **(4) Has committed any act that involves moral turpitude or oppression in office.**

82 **6. (1) Prior to the filing of the complaint, the director shall notify the**  
83 **administrative law judge in writing of the reasons for the complaint.**

84 **(2) If the reason for the complaint is willful neglect of duty or incompetency, the**  
85 **administrative law judge shall have ninety days from the date the complaint was made**  
86 **to remedy the complained of behavior. If such complained of behavior has not been**

87 remedied after ninety days, the director may file the complaint with the administrative  
88 hearing commission as provided by chapter 621.

89 7. After the director has filed a complaint with the administrative hearing  
90 commission, the proceedings shall be conducted in accordance with the provisions of  
91 chapter 621. Upon a finding by the administrative hearing commission that:

92 (1) The grounds, provided in subsection 5 of this section, for disciplinary action  
93 are met, the director may, singly or in combination, issue the following disciplinary  
94 actions against the administrative law judge: removal from office, suspension from the  
95 performance of duties for a period of time, or other discipline as determined by the  
96 director. The director shall make a record of written findings of fact and conclusions of  
97 law with respect to the issues and shall put a copy of such record in the administrative  
98 law judge's permanent file; or

99 (2) There are no grounds for disciplinary action, the administrative law judge  
100 shall immediately resume duties and shall receive any attorney's fees due under section  
101 536.087.

102 8. Notwithstanding any provision of this section to the contrary, the following  
103 events or acts by an administrative law judge are deemed to be an immediate threat to  
104 the administration of the provisions of chapter 287 and shall be considered cause for  
105 suspension with pay of the administrative law judge without notice, at the discretion of  
106 the director:

107 (1) A crime for which the administrative law judge is being held without bond  
108 for a period of more than fourteen days;

109 (2) Suspension or revocation of a license to practice law; or

110 (3) A declaration of incapacity by a court of competent jurisdiction.

111 9. No rule or portion of a rule promulgated pursuant to the authority of this section  
112 shall become effective unless it has been promulgated pursuant to the provisions of chapter  
113 536.

287.615. 1. The division may appoint or employ such persons as may be necessary to  
2 the proper administration of this chapter. All salaries to clerical employees shall be fixed by  
3 the division and approved by the labor and industrial relations commission. Beginning  
4 January 1, 2006, the annual salary of each administrative law judge[;] **and** administrative law  
5 judge in charge[; ~~and chief legal counsel~~] shall be as follows:

6 (1) [~~For any chief legal counsel located at the division office in Jefferson City,~~  
7 ~~Missouri, compensation at two thousand dollars above eighty percent of the rate at which an~~  
8 ~~associate circuit judge is compensated;~~

9 (2) For each administrative law judge, compensation at ninety percent of the rate at  
10 which an associate division circuit judge is compensated;

11 ~~[(3)]~~ (2) For each administrative law judge in charge, compensation at the same rate  
 12 as an administrative law judge plus five thousand dollars.

13 **2. Administrative law judges' and chief administrative law judges' compensation**  
 14 **shall be determined solely by the rate outlined in this section and shall not increase when**  
 15 **pay raises for executive employees are appropriated.**

16 ~~[(2)]~~ 3. The salary of the director of the division of workers' compensation shall be set  
 17 by the director of the department of labor and industrial relations, but shall not be less than the  
 18 salary plus two thousand dollars of an administrative law judge in charge. The appointees in  
 19 each classification shall be selected as nearly as practicable in equal numbers from each of the  
 20 two political parties casting the highest and the next highest number of votes for governor in  
 21 the last preceding state election.

287.812. As used in sections 287.812 to 287.855, unless the context clearly requires  
 2 otherwise, the following terms shall mean:

3 (1) "Administrative law judge", any person appointed pursuant to section 287.610 or  
 4 section 621.015, or any person who hereafter may have by law all of the powers now vested  
 5 by law in administrative law judges appointed under the provisions of the workers'  
 6 compensation law;

7 (2) "Beneficiary", a surviving spouse married to the deceased administrative law  
 8 judge or legal advisor of the division of workers' compensation continuously for a period of at  
 9 least two years immediately preceding the administrative law judge's or legal advisor's death  
 10 and also on the day of the last termination of such person's employment as an administrative  
 11 law judge or legal advisor for the division of workers' compensation, or if there is no  
 12 surviving spouse eligible to receive benefits, any minor child of the deceased administrative  
 13 law judge or legal advisor, or any child of the deceased administrative law judge or legal  
 14 advisor who, regardless of age, is unable to support himself because of intellectual disability,  
 15 disease or disability, or any physical handicap or disability, who shall share in the benefits on  
 16 an equal basis with all other beneficiaries;

17 (3) "Benefit", a series of equal monthly payments payable during the life of an  
 18 administrative law judge or legal advisor of the division of workers' compensation retiring  
 19 pursuant to the provisions of sections 287.812 to 287.855 or payable to a beneficiary as  
 20 provided in sections 287.812 to 287.850;

21 (4) "Board", the board of trustees of the Missouri state employees' retirement system;

22 (5) ~~["Chief legal counsel", any person appointed or employed under section 287.615  
 23 to serve in the capacity of legal counsel to the division;~~

24 ~~(6)~~ "Division", the division of workers' compensation of the state of Missouri;

25 ~~[(7)]~~ (6) "Legal advisor", any person appointed or employed pursuant to section  
 26 287.600~~]~~ or 287.615~~]~~ ~~or 287.616]~~ to serve in the capacity as a legal advisor or an associate



27 administrative law judge and any person appointed pursuant to section 286.010 or pursuant to  
 28 section 295.030, and any attorney or legal counsel appointed or employed pursuant to section  
 29 286.070;

30 ~~[(8)]~~ (7) "Salary", the total annual compensation paid for personal services as an  
 31 administrative law judge or legal advisor, or both, of the division of workers' compensation  
 32 by the state or any of its political subdivisions.

287.835. ~~[1. No benefits provided pursuant to sections 287.812 to 287.855 shall be  
 2 paid to any person who has been removed from office by impeachment or for misconduct, nor  
 3 to any person who has been disbarred from the practice of law, nor to the beneficiary of any  
 4 such persons.~~

5 ~~2.]~~ The board of trustees of the Missouri state employees' retirement system shall  
 6 cease paying benefits to any beneficiary of an administrative law judge or legal advisor who  
 7 is charged with the intentional killing of the administrative law judge or legal advisor without  
 8 legal excuse or justification. A beneficiary who is convicted of such charges shall no longer  
 9 be entitled to receive benefits. If the beneficiary is not convicted of such charge, the board  
 10 shall resume payment of benefits and shall pay the beneficiary any benefits that were  
 11 suspended pending resolution of such charge.

621.045. 1. The administrative hearing commission shall conduct hearings and make  
 2 findings of fact and conclusions of law in those cases when, under the law, a license issued by  
 3 any of the following agencies may be revoked or suspended or when the licensee may be  
 4 placed on probation or when an agency refuses to permit an applicant to be examined upon  
 5 his or her qualifications or refuses to issue or renew a license of an applicant who has passed  
 6 an examination for licensure or who possesses the qualifications for licensure without  
 7 examination:

- 8 Missouri State Board of Accountancy
- 9 Missouri State Board for Architects, Professional Engineers, Professional Land
- 10 Surveyors and Landscape Architects
- 11 Board of Barber Examiners
- 12 Board of Cosmetology
- 13 Board of Chiropody and Podiatry
- 14 Board of Chiropractic Examiners
- 15 Missouri Dental Board
- 16 Board of Embalmers and Funeral Directors
- 17 Board of Registration for the Healing Arts
- 18 Board of Nursing
- 19 Board of Optometry
- 20 Board of Pharmacy

21 Missouri Real Estate Commission  
22 Missouri Veterinary Medical Board  
23 Supervisor of Liquor Control  
24 Department of Health and Senior Services  
25 Department of Commerce and Insurance  
26 Department of Mental Health  
27 Board of Private Investigator Examiners.

28 2. If in the future there are created by law any new or additional administrative  
29 agencies which have the power to issue, revoke, suspend, or place on probation any license,  
30 then those agencies are under the provisions of this law.

31 3. The administrative hearing commission is authorized to conduct hearings and make  
32 findings of fact and conclusions of law in those cases brought by the Missouri state board for  
33 architects, professional engineers, professional land surveyors and landscape architects  
34 against unlicensed persons under section 327.076.

35 4. **The administrative hearing commission is authorized to conduct hearings and**  
36 **make findings of fact and conclusions of law in those cases brought by the division of**  
37 **workers' compensation of the department of labor and industrial relations against**  
38 **administrative law judges under section 287.610.**

39 5. Notwithstanding any other provision of this section to the contrary, after August  
40 28, 1995, in order to encourage settlement of disputes between any agency described in  
41 subsection 1 or 2 of this section and its licensees, any such agency shall:

42 (1) Provide the licensee with a written description of the specific conduct for which  
43 discipline is sought and a citation to the law and rules allegedly violated, together with copies  
44 of any documents which are the basis thereof and the agency's initial settlement offer, or file a  
45 contested case against the licensee;

46 (2) If no contested case has been filed against the licensee, allow the licensee at least  
47 sixty days, from the date of mailing, to consider the agency's initial settlement offer and to  
48 contact the agency to discuss the terms of such settlement offer;

49 (3) If no contested case has been filed against the licensee, advise the licensee that the  
50 licensee may, either at the time the settlement agreement is signed by all parties, or within  
51 fifteen days thereafter, submit the agreement to the administrative hearing commission for  
52 determination that the facts agreed to by the parties to the settlement constitute grounds for  
53 denying or disciplining the license of the licensee; and

54 (4) In any contact under this subsection by the agency or its counsel with a licensee  
55 who is not represented by counsel, advise the licensee that the licensee has the right to consult  
56 an attorney at the licensee's own expense.

57           ~~[5-]~~ 6. If the licensee desires review by the administrative hearing commission under  
58 subdivision (3) of subsection ~~[4]~~ 5 of this section at any time prior to the settlement becoming  
59 final, the licensee may rescind and withdraw from the settlement and any admissions of fact  
60 or law in the agreement shall be deemed withdrawn and not admissible for any purposes  
61 under the law against the licensee. Any settlement submitted to the administrative hearing  
62 commission shall not be effective and final unless and until findings of fact and conclusions  
63 of law are entered by the administrative hearing commission that the facts agreed to by the  
64 parties to the settlement constitute grounds for denying or disciplining the license of the  
65 licensee.

66           ~~[6-]~~ 7. When a holder of a license, registration, permit, or certificate of authority  
67 issued by the division of professional registration or a board, commission, or committee of the  
68 division of professional registration against whom an affirmative decision is sought has failed  
69 to plead or otherwise respond in the contested case and adequate notice has been given under  
70 sections 536.067 and 621.100 upon a properly pled writing filed to initiate the contested case  
71 under this chapter or chapter 536, a default decision shall be entered against the licensee  
72 without further proceedings. The default decision shall grant such relief as requested by the  
73 division of professional registration, board, committee, commission, or office in the writing  
74 initiating the contested case as allowed by law. Upon motion stating facts constituting a  
75 meritorious defense and for good cause shown, a default decision may be set aside. The  
76 motion shall be made within a reasonable time, not to exceed thirty days after entry of the  
77 default decision. "Good cause" includes a mistake or conduct that is not intentionally or  
78 recklessly designed to impede the administrative process.

✓