

FIRST REGULAR SESSION

# HOUSE BILL NO. 497

103RD GENERAL ASSEMBLY

---

---

INTRODUCED BY REPRESENTATIVE CHRIST.

0786H.011

DANA RADEMAN MILLER, Chief Clerk

---

---

## AN ACT

To repeal sections 287.020, 287.067, 287.140, 287.270, and 287.510, RSMo, and to enact in lieu thereof six new sections relating to workers' compensation.

---

---

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

Section A. Sections 287.020, 287.067, 287.140, 287.270, and 287.510, RSMo, are  
2 repealed and six new sections enacted in lieu thereof, to be known as sections 287.020,  
3 287.067, 287.140, 287.270, 287.445, and 287.510, to read as follows:

287.020. 1. The word "employee" as used in this chapter shall be construed to mean  
2 every person in the service of any employer, as defined in this chapter, under any contract of  
3 hire, express or implied, oral or written, or under any appointment or election, including  
4 executive officers of corporations. Except as otherwise provided in section 287.200, any  
5 reference to any employee who has been injured shall, when the employee is dead, also  
6 include his or her dependents, and other persons to whom compensation may be payable. The  
7 word "employee" shall also include all minors who work for an employer, whether or not  
8 such minors are employed in violation of law, and all such minors are hereby made of full age  
9 for all purposes under, in connection with, or arising out of this chapter. The word  
10 "employee" shall not include an individual who is the owner, as defined in section 301.010,  
11 and operator of a motor vehicle which is leased or contracted with a driver to a for-hire motor  
12 carrier operating within a commercial zone as defined in section 390.020 or **as described in**  
13 **section 390.041**, or operating under a certificate issued by the Missouri department of  
14 transportation or by the United States Department of Transportation, or any of its  
15 subagencies. The word "employee" also shall not include any person performing services

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.

16 for board, lodging, aid, or sustenance received from any religious, charitable, or relief  
17 organization.

18         2. The word "accident" as used in this chapter shall mean an unexpected traumatic  
19 event or unusual strain identifiable by time and place of occurrence and producing at the time  
20 objective symptoms of an injury caused by a specific event during a single work shift. An  
21 injury is not compensable because work was a triggering or precipitating factor.

22         3. (1) In this chapter the term "injury" is hereby defined to be an injury which has  
23 arisen out of and in the course of employment. An injury by accident is compensable only if  
24 the accident was the prevailing factor in causing ~~[both]~~ **the injury, the** resulting medical  
25 condition ~~[and]~~, **the disability, and the need for treatment.** "The prevailing factor" is  
26 defined to be the primary factor, in relation to any other factor, causing ~~[both]~~ **the injury, the**  
27 resulting medical condition and disability.

28         (2) An injury shall be deemed to arise out of and in the course of the employment  
29 only if:

30         (a) It is reasonably apparent, upon consideration of all the circumstances, that the  
31 accident is the prevailing factor in causing the injury; and

32         (b) It does not come from a hazard or risk unrelated to the employment to which  
33 workers would have been equally exposed outside of and unrelated to the employment in  
34 normal nonemployment life.

35         (3) An injury resulting directly or indirectly from idiopathic causes is not  
36 compensable.

37         (4) A cardiovascular, pulmonary, respiratory, or other disease, or cerebrovascular  
38 accident or myocardial infarction suffered by a worker is an injury only if the accident is the  
39 prevailing factor in causing the resulting medical condition.

40         (5) The terms "injury" and "personal injuries" shall mean violence to the physical  
41 structure of the body and to the personal property which is used to make up the physical  
42 structure of the body, such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and  
43 other prostheses which are placed in or on the body to replace the physical structure and such  
44 disease or infection as naturally results therefrom. These terms shall in no case except as  
45 specifically provided in this chapter be construed to include occupational disease in any form,  
46 nor shall they be construed to include any contagious or infectious disease contracted during  
47 the course of the employment, nor shall they include death due to natural causes occurring  
48 while the worker is at work.

49         4. "Death" when mentioned as a basis for the right to compensation means only death  
50 resulting from such violence and its resultant effects occurring within three hundred weeks  
51 after the accident; except that in cases of occupational disease, the limitation of three hundred  
52 weeks shall not be applicable.

53           5. Injuries sustained in company-owned or subsidized automobiles in accidents that  
54 occur while traveling from the employee's home to the employer's principal place of business  
55 or from the employer's principal place of business to the employee's home are not  
56 compensable. The extension of premises doctrine is abrogated to the extent it extends  
57 liability for accidents that occur on property not owned or controlled by the employer even if  
58 the accident occurs on customary, approved, permitted, usual or accepted routes used by the  
59 employee to get to and from their place of employment.

60           6. The term "total disability" as used in this chapter shall mean inability to return to  
61 any employment and not merely mean inability to return to the employment in which the  
62 employee was engaged at the time of the accident.

63           7. As used in this chapter and all acts amendatory thereof, the term "commission"  
64 shall hereafter be construed as meaning and referring exclusively to the labor and industrial  
65 relations commission of Missouri, and the term "director" shall hereafter be construed as  
66 meaning the director of the department of commerce and insurance of the state of Missouri or  
67 such agency of government as shall exercise the powers and duties now conferred and  
68 imposed upon the department of commerce and insurance of the state of Missouri.

69           8. The term "division" as used in this chapter means the division of workers'  
70 compensation of the department of labor and industrial relations of the state of Missouri.

71           9. For the purposes of this chapter, the term "minor" means a person who has not  
72 attained the age of eighteen years; except that, for the purpose of computing the compensation  
73 provided for in this chapter, the provisions of section 287.250 shall control.

74           10. In applying the provisions of this chapter, it is the intent of the legislature to reject  
75 and abrogate earlier case law interpretations on the meaning of or definition of "accident",  
76 "occupational disease", "arising out of", and "in the course of the employment" to include, but  
77 not be limited to, holdings in: *Bennett v. Columbia Health Care and Rehabilitation*, 80  
78 S.W.3d 524 (Mo.App. W.D. 2002); *Kasl v. Bristol Care, Inc.*, 984 S.W.2d 852 (Mo.banc  
79 1999); and *Drewes v. TWA*, 984 S.W.2d 512 (Mo.banc 1999) and all cases citing,  
80 interpreting, applying, or following those cases.

81           11. For the purposes of this chapter, "occupational diseases due to toxic exposure"  
82 shall only include the following: mesothelioma, asbestosis, berylliosis, coal worker's  
83 pneumoconiosis, bronchiolitis obliterans, silicosis, silicotuberculosis, manganism, acute  
84 myelogenous leukemia, and myelodysplastic syndrome.

85           12. For the purposes of this chapter, "maximum medical improvement" shall mean  
86 the point at which the injured employee's medical condition has stabilized and can no longer  
87 reasonably improve with additional medical care, as determined within a reasonable degree of  
88 medical certainty.

287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury or death by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing ~~both~~ **the injury**, the resulting medical condition ~~and~~, **the disability, and the need for treatment**. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing ~~both~~ **the injury**, the resulting medical condition ~~and~~, **the disability, and the need for treatment**. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure was the prevailing factor in causing ~~both~~ **the injury**, the resulting medical condition ~~and~~, **the disability, and the need for treatment**. The "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing ~~both~~ **the injury**, the resulting medical condition ~~and~~, **the disability, and the need for treatment**. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by the normal activities of day-to-day living shall not be compensable.

4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of producing occupational deafness.

5. "Radiation disability" is recognized as an occupational disease for purposes of this chapter and is hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing radiation.

6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police officers of a paid police department certified under chapter 590 if a direct

38 causal relationship is established, or psychological stress of firefighters of a paid fire  
39 department or paid peace officers of a police department who are certified under chapter 590  
40 if a direct causal relationship is established.

41 7. Any employee who is exposed to and contracts any contagious or communicable  
42 disease arising out of and in the course of his or her employment shall be eligible for benefits  
43 under this chapter as an occupational disease.

44 8. With regard to occupational disease due to repetitive motion, if the exposure to the  
45 repetitive motion which is found to be the cause of the injury is for a period of less than three  
46 months and the evidence demonstrates that the exposure to the repetitive motion with the  
47 immediate prior employer was the prevailing factor in causing the injury, the prior employer  
48 shall be liable for such occupational disease.

49 9. (1) (a) Posttraumatic stress disorder (PTSD), as described in the Diagnostic and  
50 Statistical Manual of Mental Health Disorders, Fifth Edition, published by the American  
51 Psychiatric Association, (DSM-5) is recognized as a compensable occupational disease for  
52 purposes of this chapter when diagnosed in a first responder, as that term is defined under  
53 section 67.145.

54 (b) Benefits payable to a first responder under this section shall not require a physical  
55 injury to the first responder, and are not subject to any preexisting PTSD.

56 (c) Benefits payable to a first responder under this section are compensable only if  
57 demonstrated by clear and convincing evidence that PTSD has resulted from the course and  
58 scope of employment, and the first responder is examined and diagnosed with PTSD by an  
59 authorized treating physician, due to the first responder experiencing one of the following  
60 qualifying events:

61 a. Seeing for oneself a deceased minor;

62 b. Witnessing directly the death of a minor;

63 c. Witnessing directly the injury to a minor who subsequently died prior to or upon  
64 arrival at a hospital emergency department, participating in the physical treatment of, or  
65 manually transporting, an injured minor who subsequently died prior to or upon arrival at a  
66 hospital emergency department;

67 d. Seeing for oneself a person who has suffered serious physical injury of a nature  
68 that shocks the conscience;

69 e. Witnessing directly a death, including suicide, due to serious physical injury; or  
70 homicide, including murder, mass killings, manslaughter, self-defense, misadventure, and  
71 negligence;

72 f. Witnessing directly an injury that results in death, if the person suffered serious  
73 physical injury that shocks the conscience;

74 g. Participating in the physical treatment of an injury, including attempted suicide, or  
75 manually transporting an injured person who suffered serious physical injury, if the injured  
76 person subsequently died prior to or upon arrival at a hospital emergency department; or

77 h. Involvement in an event that caused or may have caused serious injury or harm to  
78 the first responder or had the potential to cause the death of the first responder, whether  
79 accidental or by an intentional act of another individual.

80 (2) The time for notice of injury or death in cases of compensable PTSD under this  
81 section is measured from exposure to one of the qualifying stressors listed in the DSM-5  
82 criteria, or the diagnosis of the disorder, whichever is later. Any claim for compensation for  
83 such injury shall be properly noticed within fifty-two weeks after the qualifying exposure, or  
84 the diagnosis of the disorder, whichever is later.

287.140. 1. In addition to all other compensation paid to the employee under this  
2 section, the employee shall receive and the employer shall provide such medical, surgical,  
3 chiropractic, and hospital treatment, including nursing, custodial, ambulance and medicines,  
4 as may reasonably be required after the injury or disability, to cure and relieve from the  
5 effects of the injury. **For an employee to receive such treatment, the accident or**  
6 **occupational disease shall be the prevailing factor in causing the injury, the resulting**  
7 **medical condition, and the need for treatment.** If the employee desires, he shall have the  
8 right to select his own physician, surgeon, or other such requirement at his own expense.  
9 Where the requirements are furnished by a public hospital or other institution, payment  
10 therefor shall be made to the proper authorities. Regardless of whether the health care  
11 provider is selected by the employer or is selected by the employee at the employee's expense,  
12 the health care provider shall have the affirmative duty to communicate fully with the  
13 employee regarding the nature of the employee's injury and recommended treatment  
14 exclusive of any evaluation for a permanent disability rating. Failure to perform such duty to  
15 communicate shall constitute a disciplinary violation by the provider subject to the provisions  
16 of chapter ~~620~~ 334. When an employee is required to submit to medical examinations or  
17 necessary medical treatment at a place outside of the local or metropolitan area from the  
18 employee's principal place of employment, the employer or its insurer shall advance or  
19 reimburse the employee for all necessary and reasonable expenses; except that an injured  
20 employee who resides outside the state of Missouri and who is employed by an employer  
21 located in Missouri shall have the option of selecting the location of services provided in this  
22 section either at a location within one hundred miles of the injured employee's residence,  
23 place of injury or place of hire by the employer. The choice of provider within the location  
24 selected shall continue to be made by the employer. In case of a medical examination if a  
25 dispute arises as to what expenses shall be paid by the employer, the matter shall be presented  
26 to the legal advisor, the administrative law judge or the commission, who shall set the sum to

27 be paid and same shall be paid by the employer prior to the medical examination. In no event,  
28 however, shall the employer or its insurer be required to pay transportation costs for a greater  
29 distance than two hundred fifty miles each way from place of treatment.

30 2. If it be shown to the division or the commission that the requirements are being  
31 furnished in such manner that there is reasonable ground for believing that the life, health, or  
32 recovery of the employee is endangered thereby, the division or the commission may order a  
33 change in the physician, surgeon, hospital or other requirement.

34 3. All fees and charges under this chapter shall be fair and reasonable, shall be subject  
35 to regulation by the division or the commission, or the board of rehabilitation in rehabilitation  
36 cases. A health care provider shall not charge a fee for treatment and care which is governed  
37 by the provisions of this chapter greater than the usual and customary fee the provider  
38 receives for the same treatment or service when the payor for such treatment or service is a  
39 private individual or a private health insurance carrier. The division or the commission, or the  
40 board of rehabilitation in rehabilitation cases, shall also have jurisdiction to hear and  
41 determine all disputes as to such charges. A health care provider is bound by the  
42 determination upon the reasonableness of health care bills.

43 4. The division shall, by regulation, establish methods to resolve disputes concerning  
44 the reasonableness of medical charges, services, or aids. This regulation shall govern  
45 resolution of disputes between employers and medical providers over fees charged, whether  
46 or not paid, and shall be in lieu of any other administrative procedure under this chapter. The  
47 employee shall not be a party to a dispute over medical charges, nor shall the employee's  
48 recovery in any way be jeopardized because of such dispute. Any application for payment of  
49 additional reimbursement, as such term is used in 8 CSR 50- 2.030, as amended, shall be filed  
50 not later than:

51 (1) Two years from the date the first notice of dispute of the medical charge was  
52 received by the health care provider if such services were rendered before July 1, 2013; and

53 (2) One year from the date the first notice of dispute of the medical charge was  
54 received by the health care provider if such services were rendered after July 1, 2013.

55

56 Notice shall be presumed to occur no later than five business days after transmission by  
57 certified United States mail.

58 5. No compensation shall be payable for the death or disability of an employee, if and  
59 insofar as the death or disability may be caused, continued or aggravated by any unreasonable  
60 refusal to submit to any medical or surgical treatment or operation, the risk of which is, in the  
61 opinion of the division or the commission, inconsiderable in view of the seriousness of the  
62 injury. If the employee dies as a result of an operation made necessary by the injury, the death  
63 shall be deemed to be caused by the injury.

64           6. The testimony of any physician or chiropractic physician who treated the employee  
65 shall be admissible in evidence in any proceedings for compensation under this chapter,  
66 subject to all of the provisions of section 287.210.

67           7. Every hospital or other person furnishing the employee with medical aid shall  
68 permit its record to be copied by and shall furnish full information to the division or the  
69 commission, the employer, the employee or his **or her** dependents and any other party to any  
70 proceedings for compensation under this chapter, and certified copies of the records shall be  
71 admissible in evidence in any such proceedings.

72           8. The employer may be required by the division or the commission to furnish an  
73 injured employee with artificial legs, arms, hands, surgical orthopedic joints, or eyes, or  
74 braces, as needed, for life whenever the division or the commission shall find that the injured  
75 employee may be partially or wholly relieved of the effects of a permanent injury by the use  
76 thereof. The director of the division shall establish a procedure whereby a claim for  
77 compensation may be reactivated after settlement of such claim is completed. The claim shall  
78 be reactivated only after the claimant can show good cause for the reactivation of this claim  
79 and the claim shall be made only for the payment of medical procedures involving life-  
80 threatening surgical procedures or if the claimant requires the use of a new, or the  
81 modification, alteration or exchange of an existing, prosthetic device. For the purpose of this  
82 subsection, "life threatening" shall mean a situation or condition which, if not treated  
83 immediately, will likely result in the death of the injured worker.

84           9. Nothing in this chapter shall prevent an employee being provided treatment for his  
85 **or her** injuries by prayer or spiritual means if the employer does not object to the treatment.

86           10. The employer shall have the right to select the licensed treating physician,  
87 surgeon, chiropractic physician, or other health care provider; provided, however, that such  
88 physicians, surgeons or other health care providers shall offer only those services authorized  
89 within the scope of their licenses. For the purpose of this subsection, subsection 2 of section  
90 287.030 shall not apply.

91           11. Any physician or other health care provider who orders, directs or refers a patient  
92 for treatment, testing, therapy or rehabilitation at any institution or facility shall, at or prior to  
93 the time of the referral, disclose in writing if such health care provider, any of his **or her**  
94 partners or his **or her** employer has a financial interest in the institution or facility to which  
95 the patient is being referred, to the following:

96           (1) The patient;

97           (2) The employer of the patient with workers' compensation liability for the injury or  
98 disease being treated;

99           (3) The workers' compensation insurer of such employer; and

100           (4) The workers' compensation adjusting company for such insurer.

101 12. Violation of subsection 11 of this section is a class A misdemeanor.

102 13. (1) No hospital, physician or other health care provider, other than a hospital,  
103 physician or health care provider selected by the employee at his **or her** own expense  
104 pursuant to subsection 1 of this section, shall bill or attempt to collect any fee or any portion  
105 of a fee for services rendered to an employee due to a work-related injury or report to any  
106 credit reporting agency any failure of the employee to make such payment, when an injury  
107 covered by this chapter has occurred and such hospital, physician or health care provider has  
108 received actual notice given in writing by the employee, the employer or the employer's  
109 insurer. Actual notice shall be deemed received by the hospital, physician or health care  
110 provider five days after mailing by certified mail by the employer or insurer to the hospital,  
111 physician or health care provider.

112 (2) The notice shall include:

113 (a) The name of the employer;

114 (b) The name of the insurer, if known;

115 (c) The name of the employee receiving the services;

116 (d) The general nature of the injury, if known; and

117 (e) Where a claim has been filed, the claim number, if known.

118 (3) When an injury is found to be noncompensable under this chapter, the hospital,  
119 physician or other health care provider shall be entitled to pursue the employee for any unpaid  
120 portion of the fee or other charges for authorized services provided to the employee. Any  
121 applicable statute of limitations for an action for such fees or other charges shall be tolled  
122 from the time notice is given to the division by a hospital, physician or other health care  
123 provider pursuant to subdivision (6) of this subsection, until a determination of  
124 noncompensability in regard to the injury which is the basis of such services is made, or  
125 in the event there is an appeal to the labor and industrial relations commission, until a  
126 decision is rendered by that commission.

127 (4) If a hospital, physician or other health care provider or a debt collector on behalf  
128 of such hospital, physician or other health care provider pursues any action to collect from an  
129 employee after such notice is properly given, the employee shall have a cause of action  
130 against the hospital, physician or other health care provider for actual damages sustained plus  
131 up to one thousand dollars in additional damages, costs and reasonable attorney's fees.

132 (5) If an employer or insurer fails to make payment for authorized services provided  
133 to the employee by a hospital, physician or other health care provider pursuant to this chapter,  
134 the hospital, physician or other health care provider may proceed pursuant to subsection 4 of  
135 this section with a dispute against the employer or insurer for any fees or other charges for  
136 services provided.

137 (6) A hospital, physician or other health care provider whose services have been  
138 authorized in advance by the employer or insurer may give notice to the division of any claim  
139 for fees or other charges for services provided for a work-related injury that is covered by this  
140 chapter, with copies of the notice to the employee, employer and the employer's insurer.  
141 Where such notice has been filed, the administrative law judge may order direct payment  
142 from the proceeds of any settlement or award to the hospital, physician or other health care  
143 provider for such fees as are determined by the division. The notice shall be on a form  
144 prescribed by the division.

145 14. The employer may allow or require an employee to use any of the employee's  
146 accumulated paid leave, personal leave, or medical or sick leave to attend to medical  
147 treatment, physical rehabilitation, or medical evaluations during work time. The intent of this  
148 subsection is to specifically supercede and abrogate any case law that contradicts the express  
149 language of this section.

287.270. ~~[No savings or insurance of the injured employee, nor any benefits derived  
2 from any other source than the employer or the employer's insurer for liability under this  
3 chapter, shall be considered in determining the compensation due hereunder; except as  
4 provided in subsection 3 of section 287.170, and]~~ **1. Any savings from insurance from all  
5 governmental or private sources utilized by the injured employee, any benefits from the  
6 employer or the employer's insurer for liability under this chapter, and any savings or  
7 payments through insurance procured, provided, or sponsored by the employer shall be  
8 applied when determining the compensation due under this chapter and shall be  
9 deducted from the compensation otherwise due under this chapter. Nothing in this  
10 section affects the rights of the injured employee under subsection 13 of section 287.140.**  
11 Employers of professional athletes under contract shall be entitled to full credit for wages or  
12 benefits paid to the employee after the injury, including medical, surgical, or hospital benefits  
13 paid to or for the **professional athlete** employee or his **or her** dependents on account of the  
14 injury, disability, or death, pursuant to the provisions of the contract.

15 **2. If medical bills are in dispute and the administrative law judge or the  
16 commission determines that the employer is responsible for the disputed medical bills,  
17 the administrative law judge or the commission shall have the authority to order the  
18 employer responsible for the medical bills and shall have the authority to order the  
19 employer to make a payment only to the medical provider or providers to whom the  
20 bills are due.**

**287.445. 1. Within one hundred eighty days of the filing of the claim, if the  
2 matter has not already been set for a division hearing, the employer may file a motion to  
3 dismiss the matter. The employer may file the motion to dismiss to specifically raise one  
4 or more of the following arguments:**

5           **(1) That the employee did not notify the employer in a timely manner or file the**  
6 **claim in a timely manner under sections 287.420 and 287.430;**

7           **(2) That the employee was not performing work for the employer at the time**  
8 **when the alleged injury occurred;**

9           **(3) That the employer is not liable due to the employee's intoxication from use of**  
10 **alcohol or controlled substances under section 287.120;**

11           **(4) That the claimant was not employed by the employer when the alleged**  
12 **incident occurred; or**

13           **(5) That the employee has otherwise failed to comply with this section in setting**  
14 **forth a valid claim for compensation irrespective of whether the employee has suffered**  
15 **an injury or the degree of the severity of the alleged injury.**

16           **2. Following the filing of a motion to dismiss, the division shall set a date for a**  
17 **hearing, which shall be held as soon as practicable, and shall notify the interested**  
18 **parties of the time and place of the hearing.**

19           **3. At the hearing for the motion to dismiss, the division, through an**  
20 **administrative law judge, shall consider evidence submitted by the parties at issue**  
21 **and their representatives and witnesses. Such evidence shall be related only to the issue**  
22 **or issues raised by the employer in its motion to dismiss. If the division determines that,**  
23 **by a preponderance of the evidence, the employer has established that the matter should**  
24 **be dismissed for one or more of the arguments made in its motion to dismiss, the**  
25 **division shall issue an order within thirty days dismissing the claim. Such dismissal**  
26 **shall be subject to review and appeal, subject to the provisions of sections 287.470,**  
27 **287.480, and 287.490.**

          287.510. In any case a temporary or partial award of compensation may be made, and  
2 the same may be modified from time to time to meet the needs of the case, and the same may  
3 be kept open until a final award can be made~~], and if the same be not complied with, the~~  
4 ~~amount equal to the value of compensation ordered and unpaid may be doubled in the final~~  
5 ~~award, if the final award shall be in accordance with the temporary or partial award].~~ The  
6 **temporary or partial award of compensation shall be subject to review and appeal after**  
7 **the date of the final award, subject to the provisions of sections 287.470, 287.480, and**  
8 **287.490.**

✓