

HCS HB 497 -- WORKERS' COMPENSATION

SPONSOR: Christ

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Insurance by a vote of 9 to 2. Voted "Do Pass" by the Standing Committee on Rules- Legislative by a vote of 6 to 3.

The following is a summary of the House Committee Substitute for HB 497.

Under current law, an injury is compensable if the accident was the prevailing factor in causing both the resulting medical condition and disability. This bill now provides that the injury is compensable if the accident was the prevailing factor in causing the injury, the resulting medical condition, the disability, and the need for treatment. The bill modifies the definition of injury due to an occupational disease; injury due to repetitive motion; and to the "prevailing factor" test definition.

In addition, for an employee to receive medical treatment, the accident or occupational disease must be the prevailing factor in causing the injury, the resulting medical condition and the need for treatment.

The bill requires consideration of any savings or insurance of the injured employee from governmental or private sources, benefits derived from the employer's insurance, and any savings or insurance procured or sponsored by the employer, when determining compensation as specified in the bill.

Administrative law judges (ALJ) or the Labor and Industrial Relations Commission (LIRC) have authority to order employers to make payments only to the medical provider or providers to whom bills are due in cases where they determine the employer is responsible for disputed medical bills.

This bill authorizes an employer to file a motion to dismiss a claim for compensation within 180 days of filing a claim, if the Division of Workers' Compensation has not already set the matter for a hearing. The employer may file a motion to dismiss the claim raising one or more grounds provided in the bill. The bill outlines the evidence to be submitted by the parties relating to the issues to be determined at the evidentiary hearing and the timeline for an ALJ to issue an order which is subject to review by the LIRC. The employer can file the motion to dismiss to specifically raise one or more of the following arguments:

(1) That the employee did not notify the employer in a timely manner or file the claim in a timely manner;

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

(3) That the employer is not liable due to the employee's intoxication from use of alcohol or controlled substances; or

(4) That the claimant was not employed by the employer when the alleged incident occurred.

Under current law, a temporary or partial award of compensation can be modified and kept open until a final award can be issued and if the temporary or partial award is not complied with, the compensation amount awarded and unpaid can be doubled in the final award. This bill repeals this penalty language and specifies that the temporary or partial award is subject to review and appeal after the date of the final award.

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

PROPONENTS: Supporters say that the worker's compensation system should not be a safety net. This bill makes sure the injury is actually covered and that worker's compensation isn't paying for injuries that did not happen at work. This bill also expedites the process to dismiss claims that aren't warranted. Employers shouldn't have the burden of having those claims on their books.

Testifying in person for the bill were Representative Christ; Associated Industries of Missouri; Missouri Association of Counties/MAC Trust; Matthew W. Murphy, Missouri Auto Dealers Association; NAMIC; American Property Casualty Insurance Association ; Missouri Insurance Coalition ; Missouri Chamber of Commerce and Industry; Patrick Bonnot, MIRMA.

OPPONENTS: Those who oppose the bill say that this bill creates more problems than it solves. Under this law, you are always going have a preexisting condition and that is always going to be used to contest treatment. Workers will suffer waiting for treatment.

Testifying in person against the bill were Arnie Dienoff; Mike Schlueter; Randy Alberhasky.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.