

HB 1397 -- Workers' Compensation

Sponsor: Wilson (130)

This bill makes changes to the laws regarding workers' compensation. The bill:

- (1) Requires that any member appointed or serving on the Labor and Industrial Relations Commission receive Senate confirmation within 30 days after the Senate convenes for regular session or immediately resign from the commission;
- (2) Redefines "accident" to mean a specific, identifiable, traumatic event during a single work shift;
- (3) Defines "dominant factor" to mean the accident is the prevailing factor in relation to any other factors contributing to the resulting medical condition;
- (4) Requires that an injury by accident be compensable only if the accident was the dominant factor in causing the resulting medical condition;
- (5) Codifies that Missouri does not apply the Positional Risk Analysis or Positional Risk Doctrine;
- (6) Excludes as compensable any personal health condition manifested during employment in which the accident was not the dominant factor resulting in the need for medical treatment;
- (7) Excludes as compensable an injury resulting directly or indirectly from idiopathic causes;
- (8) Requires that a cardiovascular, pulmonary, respiratory, or other disease or cerebrovascular accident or myocardial infarction suffered by a worker is an injury only if the accident is the dominant factor in causing the resulting medical condition;
- (9) Excludes as compensable any aggravation of a pre-existing condition, except that the injury causes increased permanent disability;
- (10) Excludes as compensable an injury sustained in a company vehicle while in route to or from work;
- (11) Requires that an occupational disease be compensable only if occupational exposure was the dominant factor resulting in the condition or disability, rather than a substantial factor;

(12) Requires that if the exposure to repetitive motion which is found to cause the injury is for a period of less than three months and exposure to repetitive motion with a prior employer was the dominant factor in causing the injury, the prior employer is liable for the occupational disease;

(13) Requires that a voluntary settlement be approved as long as the employee is not coerced or subjected to fraud and understands the terms of the agreement;

(14) Allows an employee to opt out of workers' compensation benefits for religious reasons, provided the employee signs a waiver agreeing not to take future civil action against the employer;

(15) Provides for maximum limits on attorney fees for services on behalf of an employee and that the fees are approved by the administrative law judge; and

(16) Requires that an attorney found to be in violation of the maximum fee provisions make restitution of any excess fees charged plus interest.

The bill creates the Administrative Law Judge Qualifications Advisory Committee. The committee is charged with the evaluation of an administrative law judge's conduct, performance, and productivity. The committee is required to make recommendations to the Governor for the retention, suspension, removal, or additional training and education of administrative law judges. The bill specifies requirements for the appointment, qualification, and terms of committee members.

The bill also specifies the testing, term limits, appointment, qualifications, work hours, continuing education requirements, and evaluation of administrative law judges.