

SECOND REGULAR SESSION

HOUSE BILL NO. 2415

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALSH.

5466L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 287.450, 287.460, 287.520, 287.650, and 287.655, RSMo, and to enact in lieu thereof five new sections relating to workers' compensation.

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

Section A. Sections 287.450, 287.460, 287.520, 287.650, and 287.655, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections 287.450, 287.460,
3 287.520, 287.650, and 287.655, to read as follows:

287.450. If the employer and employee or his dependents do not agree in regard to
2 compensation payable under this chapter, either party may make application **in a manner**
3 **determined by the division** for a hearing in regard to the matters at issue and for a ruling
4 thereon, except that no application for a hearing shall be considered until fourteen days after the
5 receipt by the division of the report of accident required under section 287.380. The
6 fourteen-day waiting period is not applicable to applications for hardship hearings. After the
7 application has been received, the division shall set a date for a hearing, which shall be held as
8 soon as practicable, and shall notify the interested parties of the time and place of the hearing.

287.460. 1. The division, through an administrative law judge, shall hear in a summary
2 proceeding the parties at issue and their representatives and witnesses and shall determine the
3 dispute by issuing the written award within ninety days of the last day of the hearing. The
4 hearing shall be concluded within thirty days of the date of commencement of the hearing, except
5 in extraordinary circumstances where a lengthy trial or complex issues necessitate a longer time
6 than ninety days. All evidence introduced at any such hearings shall be reported by a competent
7 reporter appointed by the division or be recorded by electronic means. The award, together with
8 a statement of the findings of fact, rulings of law and any other matters pertinent to the question

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.

9 at issue, shall be filed with the record of proceedings, and a copy of the award shall immediately
10 be sent by **electronic means or in the case of an unrepresented employee, by** United States
11 mail, to the parties in dispute and the employer's insurer.

12 2. The division of workers' compensation shall develop by rule procedures whereby
13 mediation services are provided to the parties in a claim for workers' compensation benefits
14 whereby claims may be mediated by the parties at a prehearing conference when the division
15 determines that a claim may be settled or upon application for a mediation settlement conference
16 filed by either party.

17 3. The division may require the parties to produce at the mediation conference all
18 available medical records and reports. Such mediation conference shall be informal to ascertain
19 the issues and attempt to resolve the claim or other pending issues. Such mediation conference
20 may be set at any time prior to the commencement of the evidentiary hearing and nothing in this
21 section shall be interpreted to delay the setting of the matter for hearing. Upon the request of any
22 party, a person providing mediation settlement services shall be disqualified from conducting any
23 evidentiary hearing relating to the claim without limiting the rights conferred by section 287.810.

287.520. 1. Any notice required under this chapter shall be deemed to have been
2 properly given and served when sent by registered or certified mail properly stamped and
3 addressed to the person or entity to whom given, at the last known address in time to reach the
4 person or entity in due time to act thereon, or to counsel for that person or entity in like manner.
5 Notice may also be given and served in like manner as summons in civil actions.

6 2. **Notwithstanding the provisions of subsection 1 of this section, the division may**
7 **serve or send any notices required under this chapter by electronic means, except that any**
8 **notices required to be sent to an employee not represented by counsel shall be sent by**
9 **registered or certified mail to the last known address of the employee unless the employee**
10 **consents to receive notices by electronic means. In the event the employee is represented**
11 **by counsel and counsel is sent proper notice under this chapter, notice to the employee may**
12 **be sent by regular mail.**

287.650. 1. The division of workers' compensation shall have such powers as may be
2 necessary to carry out all the provisions of this chapter **including the use of electronic**
3 **processes**, and it may make such rules and regulations as may be necessary for any such purpose,
4 subject to the approval of the labor and industrial relations commission of Missouri. The
5 division shall have power to strike pleadings and enter awards against any party or parties who
6 fail or refuse to comply with its lawful orders.

7 2. (1) The division shall have the power upon the expiration of five years after their
8 receipt to destroy reports of injuries on which no compensation (exclusive of medical costs) was
9 due or paid, together with the papers attendant to the filing of such reports, and also to destroy

10 records in compensable cases after the expiration of ten years from the date of the termination
11 of compensation.

12 (2) Records in cases that are submitted for hearing in the division shall include all
13 documentary exhibits admitted as evidence at the hearing. Records in all other cases shall
14 include all documents required to be filed with the division by this chapter or by rule of the
15 division, medical reports or records which are relied upon by the administrative law judge or
16 legal advisor in approving the compromise lump sum settlement, and copies of the compromise
17 lump sum settlement. These records shall be kept and stored by the division for a minimum of
18 ten years and shall include the originals or duplicate originals stored by electronic or other means
19 approved by the division.

20 3. No rule or portion of a rule promulgated under the authority of this section shall
21 become effective unless it has been promulgated pursuant to the provisions of section 536.024,
22 RSMo.

287.655. Any claim before the division may be dismissed for failure to prosecute in
2 accordance with rules and regulations promulgated by the commission. **Such notice shall be**
3 **made in a manner determined by the division**, except **that for the employee** such notice
4 [need not] **shall** be by certified or registered mail [if] , **unless** the [person or entity] **employee**
5 to whom notice is directed is represented by counsel and counsel is also given such notice [at
6 counsel's last known address]. To dismiss a claim the administrative law judge shall enter an
7 order of dismissal which shall be deemed an award and subject to review and appeal in the same
8 manner as provided for other awards in this chapter.

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