

HB 1265 -- WORKER'S COMPENSATION

SPONSOR: Riley

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Workforce Development by a vote of 9 to 4. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 8 to 2.

This bill modifies the definition of "prevailing factor" which is used to determine if an injury by accident is subject to compensation. The prevailing factor is the primary factor, in relation to any other factor, causing the injury, the resulting medical condition, the disability, and the need for treatment.

The bill also requires consideration of any savings or insurance of the injured employee, 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 or the Labor and Industrial Relations Commission shall 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 medical bills.

PROPOSERS: Supporters say that the intent of 2005 legislation was to require workers compensation claims to be limited to work related injuries where the prevailing factor standard applies to causation and the source of the injury. Current law is vague and has been misinterpreted by some courts. The bill will also allow employers to make payments directly to medical providers in a more efficient manner.

Testifying for the bill were Representative Riley; Missouri Poultry Federation; Matt Morrow, Springfield Area Chamber of Commerce; Missouri Chamber of Commerce and Industry; Ray Mccarty, Associated Industries of Missouri; National Federation of Independent Business; Stephen A. McManus, MVP Law.

OPPOSERS: Those who oppose the bill say that the standard for allowing workers compensation has been consistently raised since 1993 so that the main goal of avoiding litigation and jury trials no longer functions as effectively. The bill could result in less medical coverage and slower treatment of injuries and it will shift costs towards health insurance providers instead of the workers compensation program.

Testifying against the bill were Scott McKellar; Arnie Dienoff; Mark Moreland, Missouri Association of Trial Attorneys.

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