

HB 2309 -- Workers' Compensation

Sponsor: Hunter

This bill changes the laws regarding workers' compensation. In its main provisions, the bill:

- (1) Specifies that in applying the provisions of the Workers' Compensation Law it is the intent of the legislature to reject and abrogate *Schoemehl v. Treasurer of the State of Missouri*, 217 S.W.3d 900 (Mo. banc 2007) and all cases interpreting, applying, or following this case and reaffirms that the right for compensation for permanent total disability of an injured employee terminates on the date of the injured employee's death;
- (2) Specifies that permanent total disability (PTD) payments from the Second Injury Fund end upon the employee becoming eligible to receive full Social Security retirement benefits;
- (3) Specifies that PTD payments from the fund terminate if the employee becomes gainfully employed;
- (4) Specifies that the Labor and Industrial Relations Commission retains jurisdiction of the case during the lifetime of any injured employee who has received an award of PTD payments;
- (5) Specifies that prior disabilities can be combined only once with a subsequent work injury to obtain permanent partial disability (PPD) payments from the fund;
- (6) Specifies that all prior disabilities can be combined for PTD payments against the fund;
- (7) Prohibits payments from the fund for PPD if there is jurisdiction in another state due to the employee's injury or occupational disease;
- (8) Specifies that the fund is not responsible for medical expenses or death benefits of an employee when his or her employer has failed to obtain insurance and there is concurrent jurisdiction in another state;
- (9) Reinstates the within two years of the date of the medical treatment or service statute of limitation regarding claims against the fund for medical fees or expenses; and
- (10) Eliminates the provision requiring moneys advanced from the Workers' Compensation Fund to the Second Injury Fund be paid back to the Workers' Compensation Fund by December 31 of the year following the advance.

The bill contains an emergency clause.