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5125L02.01F

Mr. Speaker: I am instructed by the Senate to inform the House of

Representatives that the Senate has taken up and passed

HB 1540 entitled:

**AN ACT**

To repeal section 287.120, RSMo, and to enact in lieu thereof one new section relating to workers' compensation.

With SAI

In which the concurrence of the House is respectfully requested.

Respectfully,

Terry L. Spieler  
Secretary of the Senate

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# SENATE AMENDMENT NO. 1

Offered by SEN GREEN of 13TH

Amend House Bill No. 1540, Page 3, Section 287.120, Line 67  
~~1408~~, ~~287.220~~, ~~190~~

by inserting immediately after said line the following:

"287.450. If the employer and employee or his dependents do not agree in regard to compensation payable under this chapter, either party may make application in a manner determined by the division for a hearing in regard to the matters at issue and for a ruling thereon, except that no application for a hearing shall be considered until fourteen days after the receipt by the division of the report of accident required under section 287.380. The fourteen-day waiting period is not applicable to applications for hardship hearings. After the application has been received, the division shall set a date for a hearing, which shall be held as 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 proceeding the parties at issue and their representatives and witnesses and shall determine the dispute by issuing the written award within ninety days of the last day of the hearing. The hearing shall be concluded within thirty days of the date of commencement of the hearing, except in extraordinary circumstances where a lengthy trial or complex issues necessitate a longer time than ninety days. All evidence

*offered 5-15-12*  
*adopted 5-15-12*



1 introduced at any such hearings shall be reported by a competent  
2 reporter appointed by the division or be recorded by electronic  
3 means. The award, together with a statement of the findings of  
4 fact, rulings of law and any other matters pertinent to the  
5 question at issue, shall be filed with the record of proceedings,  
6 and a copy of the award shall immediately be sent by electronic  
7 means or in the case of an unrepresented employee, by United  
8 States mail, to the parties in dispute and the employer's  
9 insurer.

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

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

28 287.520. 1. Any notice required under this chapter shall  
29 be deemed to have been properly given and served when sent by



1 registered or certified mail properly stamped and addressed to  
2 the person or entity to whom given, at the last known address in  
3 time to reach the person or entity in due time to act thereon, or  
4 to counsel for that person or entity in like manner. Notice may  
5 also be given and served in like manner as summons in civil  
6 actions.

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

16 287.650. 1. The division of workers' compensation shall  
17 have such powers as may be necessary to carry out all the  
18 provisions of this chapter including the use of electronic  
19 processes, and it may make such rules and regulations as may be  
20 necessary for any such purpose, subject to the approval of the  
21 labor and industrial relations commission of Missouri. The  
22 division shall have power to strike pleadings and enter awards  
23 against any party or parties who fail or refuse to comply with  
24 its lawful orders.

25 2. (1) The division shall have the power upon the  
26 expiration of five years after their receipt to destroy reports  
27 of injuries on which no compensation (exclusive of medical costs)  
28 was due or paid, together with the papers attendant to the filing  
29 of such reports, and also to destroy records in compensable cases





1 after the expiration of ten years from the date of the  
2 termination of compensation.

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

14 3. No rule or portion of a rule promulgated under the  
15 authority of this section shall become effective unless it has  
16 been promulgated pursuant to the provisions of section 536.024.

17 287.655. Any claim before the division may be dismissed for  
18 failure to prosecute in accordance with rules and regulations  
19 promulgated by the commission. Such notice shall be made in a  
20 manner determined by the division, except that for the employee  
21 such notice [need not] shall be by certified or registered mail  
22 [if] unless the [person or entity] employee to whom notice is  
23 directed is represented by counsel and counsel is also given such  
24 notice [at counsel's last known address]. To dismiss a claim the  
25 administrative law judge shall enter an order of dismissal which  
26 shall be deemed an award and subject to review and appeal in the  
27 same manner as provided for other awards in this chapter."; and

28 Further amend the title and enacting clause accordingly.  
29

