Workers Compensation Benefit Overview – Missouri

Major Developments: Last major legislation in 2004 (SB899), affected indemnity rates, disability rating, medical treatment, medical-legal disputes, penalties, and apportionment. 2007 legislation affects caps on TD and post-surgical treatments.

Indemnity Issues

Temporary Total Benefits	Paid at 2/3's of the injured workers average weekly wage which is based on the gross wages for 13 weeks before the date of injury. The current maximum rate (through 6-30-09) is $772.53. The current minimum is $40 per week. Compensation is capped at 400 weeks. The first three days of disability are the waiting period which becomes payable after 14 days of lost time. The waiting period is based on the days the employer is open for purposes of operating a business, not calendar or scheduled work days.
Temporary Partial Benefits	Paid at 2/3s of the difference between the average weekly wage and what the injured worker is paid while working light duty. The three day waiting period applies to this also.
Permanent Partial Benefits	Is scheduled in Missouri (percentage of disability multiplied by body part value multiplied by permanent partial disability rate). The current maximum rate (through 6-30-09) is $404.66.
Permanent Total Benefits	Paid at the same rate of temporary total disability for the life of the injured worker.
Fatality Benefits	Fatality benefits are paid at the temporary total disability rate payable to surviving legal spouse or wholly dependent child under age of 18, or if full time student through age 22 or longer if that child is physically or mentally incapacitated from wage earning. If a dependant child enters the armed forces at age 18 they would then be entitled to receive benefits for a period of fours years as long as they are a full time student at an accredited institution and to commence before the age of 23 and immediately following discharge from the armed forces. Funeral benefits limited to $5,000.
Vocational Rehabilitation	Voluntary.
Settlement Allowed	Full and final settlement is allowed.

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Penalties	Where the employee fails to obey any rule or policy adopted by the employer relating to a drug-free workplace or the use of alcohol or nonprescribed controlled drugs in the workplace, the compensation and death benefit provided for herein shall be reduced fifty percent if the injury was sustained in conjunction with the use of alcohol or nonprescribed controlled drugs. If, however, the use of alcohol or nonprescribed controlled drugs in violation of the employer's rule or policy is the proximate cause of the injury, then the benefits or compensation otherwise payable under this chapter for death or disability shall be forfeited. An employee's refusal to take a test for alcohol or a nonprescribed controlled substance, as defined by section 195.010, RSMo, at the request of the employer shall result in the forfeiture of benefits under this chapter if the employer had sufficient cause to suspect use of alcohol or a nonprescribed controlled substance by the claimant or if the employer's policy clearly authorizes post-injury testing.

Medical Issues

Initial Choice of Provider	Employer
Change of Provider	Employer
Medical Fee Schedule	No
Managed Care	No
Utilization Review	No
Treatment Guidelines	No
Medical Mileage Reimbursement Rate	Effective 07/01/07, .45.5 per mile for all treatment outside the metropolitan area
Ability to Terminate Medical Treatment	Determined by physician only
Settlement Allowed	Settlement is allowed.
Cap on benefits, exceptions	None

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Other Issues

Staff Counsel	Law Offices of Robert Hayes 940 West Port Plaza, Suite 208 St. Louis, MO 63146 (314)579-8925
Hearings require attorney or claim handler participation	Attorney
Occupational Diseases	Yes
Second Injury Fund availability	Yes. State Paid. Benefits injured worker only. No benefit to insurance company.
Other Offset Opportunities	Credit for prior settlement to specific body part. Subrogation applies and cannot be contractually waived.

State workers compensation website link: http://www.dolir.mo.gov/wc/

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