



# Workers Compensation Claim State Environmental Guide - Missouri

MISSOURI – <http://www.labor.mo.gov/dwc/>

## Indemnity issues

Temporary Total Benefits	<p>Paid at 2/3 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 6-30-16) is \$886.92. The current minimum is \$40 per week.</p> <p><b>Temporary Total cap</b> – Compensation is capped at 400 weeks.</p> <p>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.</p>
Temporary Partial Benefits	<p>Paid two-thirds 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.</p>
Permanent Partial Benefits	<p>Is scheduled in Missouri (percentage of disability multiplied by body part value multiplied by permanent partial disability rate). The current maximum rate (through 6-30-16) is \$464.58</p> <p><b>Permanent Partial</b> based on AMA Guidelines (or similar objective Guidelines) – No.</p>
Permanent Total Benefits	<p>Paid at the same rate of temporary total disability for the life of the injured worker.</p>
Fatality Benefits	<p>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 dependent child enters the armed forces at age 18 they would then be entitled to receive benefits for a period of four 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.</p> <p>Funeral benefits limited to \$5,000.</p>
Vocational Rehabilitation	<p>Voluntary.</p>
Settlement Allowed	<p>Full and final settlement is allowed.</p>



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**Indemnity issues**

Penalties	<p><b>DRUG AND ALCOHOL:</b> 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 non-prescribed 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 non-prescribed controlled drugs.</p> <p>If, however, the use of alcohol or non-prescribed 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.</p> <p>An employee's refusal to take a test for alcohol or a non-prescribed 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 non-prescribed controlled substance by the claimant or if the employer's policy clearly authorizes post-injury testing.</p> <p><b>SAFETY:</b> Where the injury is caused by the failure of the employer to comply with any statute in this state or any lawful order of the division or the commission, the compensation and death benefit provided for under this chapter shall be increased fifteen percent.</p> <p>Where the injury is caused by the failure of the employee to use safety devices where provided by the employer, or from the employee's failure to obey any reasonable rule adopted by the employer for the safety of employees, the compensation and death benefit provided for herein shall be reduced at least twenty-five but not more than fifty percent; provided, that it is shown that the employee had actual knowledge of the rule so adopted by the employer; and provided, further, that the employer had, prior to the injury, made a reasonable effort to cause his or her employees to use the safety device or devices and to obey or follow the rule so adopted for the safety of the employees.</p>
Cap on benefits, exceptions	

**Medical issues**

Initial Choice of Provider	Employer
Change of Provider	Employer
Medical Fee Schedule	No
Managed Care	No
Utilization Review	No
Treatment Guidelines	No
Generic Drug Substitution	The state allows generic substitution; however, it is not mandatory.
Medical Mileage Reimbursement Rate	Effective 07/01/15 \$54.5 cents per mile for all treatment outside the metropolitan area
Network Information	First Health (primary) and CorVel (secondary).
Ability to Terminate Medical Treatment	Determined by physician only
Settlement Allowed	Settlement is allowed. Medical can be settled <b>Full &amp; Final</b> - Yes.
Cap on benefits, exceptions	None

**Other Issues**

WC Hearing Docket Speed	Conferences, Pre-Hearings, Mediations and Trials set upon request, usually within 3 months. Docket speed varies among various venues in Missouri
Staff Counsel	Law Offices of Stephen Larson (314-579-8925) 940 West Port Plaza, Suite 208 St. Louis, MO 63146
Hearings require attorney or claim handler participation	Attorney
Occupational Diseases	Yes.
Second Injury Fund availability	Yes. State Paid. Benefits payable to injured worker only. Provides potential safe haven for employers/insurers as SIF is often alternative "target" for litigation exposure. SIF no longer pays perm partial disability, only perm total disability.
Other Offset Opportunities	Credit for prior settlement to specific body part. Subrogation applies and cannot be contractually waived.
EDI	Claims EDI Release 1: FROI only (1/1/2009)
In-State Adjusting Required	No
License or Certification Required	