

# An Employee's Guide to the Missouri Workers' Compensation System



Missouri Department of Labor and Industrial Relations  
Division of Workers' Compensation

# Important Information

You may want to put names and telephone numbers here and keep this booklet in a handy place.

Your social security number \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_

Date of injury \_\_\_\_\_

Injury number \_\_\_\_\_

Your supervisor at work \_\_\_\_\_

Employer's telephone number ( \_\_\_\_\_ ) \_\_\_\_\_

Insurance company name \_\_\_\_\_

Claim adjuster's name \_\_\_\_\_

Claim adjuster's phone number \_\_\_\_\_

Your insurance claim number \_\_\_\_\_

Doctor's name \_\_\_\_\_

Doctor's phone number \_\_\_\_\_

Other names and phone numbers

\_\_\_\_\_

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This booklet briefly outlines Missouri Workers' Compensation Law and how it applies to work-related injuries or illnesses. This is not a complete description of the workers' compensation system or law.

## Helpful Hints for Injured Workers

Read and save this booklet.

- » Save copies of all letters, forms, compensation checks and medical bills.
- » Save notes of phone conversations.
- » Put your injury number and date of injury on all papers and forms sent to the Division of Workers' Compensation.
- » Stay in touch with your employer about your progress and plans to return to work.

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## What Is The Purpose Of Workers' Compensation?

**W**orkers' compensation provides benefits if you are injured or ill from your job. Workers' compensation covers injuries or illnesses caused or made worse by work or the workplace.

Workers' compensation insurance coverage provided by your employer is intended to:

- Provide medical treatment and pay all reasonable medical costs related to the injury.
- Help you return to work as soon as reasonably possible.
- Pay part of your wages when you are off work because of the injury.
- Provide compensation for permanent disability.
- Pay benefits to dependents for a work-related death.

Workers' compensation does not cover self-inflicted injuries. When nonprescribed drugs or alcohol have a connection to the injury, benefits can be either reduced or denied depending upon what role the drugs or alcohol played in contributing to the injury. Also, benefits can be reduced if the employee fails to use safety devices or follow safety rules required by the employer or if the employee is injured while participating in voluntary recreational activities. You do not have to prove that a work related accident or illness was your employer's fault or that it was not your fault.

## Who Pays The Workers' Compensation Benefits?

**M**any employers in Missouri purchase workers' compensation insurance policies from commercial insurance companies. Other employers are self-insured and pay all the benefits themselves. The insurance company or the self-insured employer pays wage-loss and permanent disability benefits to injured workers and pays the medical costs to the health care providers who treat the injured worker.

State law sets the benefit levels. The insurance company or self-insured employer is required to provide to the Division of Workers' Compensation the cost of medical care paid and the temporary total disability benefits paid in an underlying workers' compensation case. The Division's Case Review Unit follows up with the insurance company or self-insured employer to ensure that the information is properly provided. This enables the Case Review Unit to recommend the appropriate follow-up action on the case.

## Who Is Covered?

**I**f you are employed in the construction industry, your employer must have workers' compensation insurance even if that employer has only one employee. Other employers must carry insurance if they have five or more employees. Railroad and maritime workers are not covered by Missouri law but rather similar federal laws.

The Missouri Workers' Compensation Law may not apply to employment of farm labor, domestic servants in a private home, including family chauffeurs, or occasional labor performed for and related to a private household. In addition, the law may not apply to some family members of the employer, qualified real estate agents, direct sellers and certain unpaid volunteers, inmates and certain individuals working for amateur youth programs.

## What Is Covered?

**A**ny injury caused by the job is covered, everything from first-aid type injuries to serious accidents and death. Also, the Workers' Compensation Law provides coverage for occupational diseases. The key is whether or not the injury or illness is caused by your job.

You are protected from the first minute you are on the job and that protection continues anytime you are working. State law requires that a worker receive workers' compensation benefits for a work-related injury or illness. Also, state law requires employers to have workers' compensation insurance and to pay all workers' compensation premiums.

Your employer cannot:

- Take the cost of workers' compensation insurance from your wages.
- Prevent you from filing for workers' compensation benefits.
- Threaten you or take action against you for filing for benefits.

Employers must display an informational poster provided by the Division of Workers' Compensation which briefly explains employer and employee responsibilities in case of an injury. The poster includes the name of the workers' compensation insurance company or the designated individual if the employer is self-insured. If you cannot locate a poster or if the insurance company name is not listed, ask your employer.

## What Do I Do If I Am Injured?

- **Do not wait.** To protect your rights, report your injury to your supervisor as soon as possible and in writing if possible.
- Make sure you tell your supervisor you were injured: what, where, when and how.
- Get prompt medical attention from a health care provider authorized by the employer.
- Inform your employer about your medical condition and when you can return to work.
- Call the Division of Workers' Compensation if you have any questions or concerns.

Prompt reporting is the key. Nothing can happen until your employer is informed about the injury. Ensure your right to benefits by a written notice of every injury, no matter how slight.

## Who Chooses My Doctor?

**T**he employer has the right to choose the doctor, hospital, medical facilities and services to treat your injury. The employer or insurer is not required to pay for treatment you seek or select on your own without authorization. However, the employer may authorize you to see your own doctor. Check with your employer or your employer's insurance company with respect to any medical treatment which you believe may be connected to your injury. If your employer refuses to provide medical care to treat your injury, you can seek medical treatment on your own. If the injury is later found to be work related, the employer will be liable for reasonable medical expenses incurred that are associated with the injury.

## What Does The Employer Do?

- Your employer should make sure you receive necessary medical care to treat your injury.
- Your employer reports the injury to the insurance company, or the administrator if self-insured, within five days of the date of the injury or within five days of the date on which the injury was reported by you.

## What Does The Insurance Company Do?

Insurance companies or self-insured employers report the injuries to the Division of Workers' Compensation on a Report of Injury (Form WC-1) and file all other required reports with the Division of Workers' Compensation. Also, the insurance company or self-insured employer pays for medical costs incurred from the injury and makes benefit payments if work is missed due to an injury. If you are off work more than three days during which the employer's business or operation is open because of the injury, you are entitled to lost wage benefits.

## What If There Is A Problem?

Most injuries are handled routinely. If you think you have not received all the benefits due you, or you have not received any benefits, follow these steps:

- Call the claim adjuster at the insurance company or the administrator of the self-insured employer. Write down the date, time and adjuster's name for your records. Explain the problem and try to work it out. Many problems are resolved with a telephone call.

- Make sure the insurance company or self-insured employer is responsible for paying for medical services related to the injury. For example, although the insurance company must pay for your medical care, it does not have to pay for household services that are not medically prescribed. Call the Division of Workers' Compensation to inquire into available benefits.
- Call 1-800-775-2667 to discuss your problem with an information specialist at the Division of Workers' Compensation.
- If a problem cannot be resolved, you may wish to take advantage of the dispute management service provided by the Division of Workers' Compensation. This service is an informal process to assist the parties (employee and employer/insurer) reach a resolution to the problem. Dispute management is designed to quickly resolve the problems involving medical treatment or temporary total disability. This process takes place before the injured worker has found it necessary to file a formal claim.
- You may also request a conference at the appropriate local office with a judge if your problem involves an issue concerning the degree of permanent disability or any other issue with your workers' compensation benefits. To schedule a conference, call a local office shown on the inside back cover.
- You may also find it necessary to file a "Claim" with the Division of Workers' Compensation. In this case, a Claim for Compensation (Form WC-21) must be used. This form may be obtained at any office of the Division of Workers' Compensation.
- For additional information about the Dispute Management Unit, filing a claim or any other concerns or questions regarding workers' compensation, please call 1-800-775-2667.
- You may consult with an attorney. You are not required to hire an attorney. However, if you can not resolve the problem on your own, counsel may be beneficial.

## When Must The Claim Be Filed?

If you are unsuccessful in resolving the issues concerning your injury and decide to file a claim, the Claim for Compensation form must be received by the Division:

- Within two years after the date of the injury or, if you have already received or are still receiving workers' compensation benefits for an injury, within two years after the last payment was received;
- If the employer did not file a Report of Injury, the claim must be filed within three years from the date of injury, death or last payment; or
- If your case involves an occupational disease, the claim must be filed within two or three years depending on whether the employer reported the disease once it became reasonably discoverable.

Once a claim is received by the Division of Workers' Compensation, it is entered into the Division's computer system. The Division acknowledges receipt of the claim and sends a copy to the employer and insurer to file an answer. Actions that can be taken include:

- Prehearing conference - An informal meeting with an administrative law judge or a legal advisor. The purpose of the prehearing conference is to monitor the progress of the case, identify areas of agreement and dispute and move the case to resolution.
- Mediation - A proceeding in which a judge meets with all the parties to the claim for the purpose of working out a compromise settlement. Mediation takes place after a formal claim has been filed.
- Hearing - A proceeding where an administrative law judge hears the evidence and makes a decision resulting in either a denial or award of benefits. The laws of evidence do apply.

## What Are The Benefits?

Missouri law provides several kinds of workers' compensation benefits:

- **Medical care to treat the injury.** For example, doctor bills, medicines, hospital costs, and crutches are covered. There is no deductible or co-payment. All costs are paid directly by your employer or the employer's insurance company. If you receive a bill, contact your employer or insurer immediately. Under Missouri law, medical providers or hospitals cannot bill you for services they provide to treat your injury if the injury is work related and you have notified them by certified mail that the injury is work related. However, if your injury is found to be noncompensable under the Workers' Compensation Law, the doctor or hospital is entitled to collect the medical costs of your treatment from you. If you are required to submit to treatment outside of the local or metropolitan area where you live or where the accident occurred, you are entitled to payment of reasonable travel expenses. In no event is the employer or insurer required to pay transportation costs of more than 250 miles each way from the place of treatment.
- **Temporary Total Disability.** Injuries that cause you to miss work usually keep you from working only temporarily. If this is the case, you will receive Temporary Total Disability (TTD). This benefit is calculated at 66 2/3 percent of your average weekly wage, not to exceed a maximum amount set by the legislature. TTD is not paid for the first three days you are unable to work unless you are unable to work for more than 14 days. In these instances, the three day waiting period is reimbursed. The insurer or self-insured employer must send your benefit checks at the same time you were normally paid when you were working or at least every two weeks. TTD is paid for up to 400 weeks or until one of the following occurs:
  - You return to work;
  - You have been released by the doctor without any physical restrictions or there can be no improvement in your physical condition;
  - Other events occur that can be legal reasons for stopping your benefits.



- › **Temporary Partial Disability.** If you return to work and due to your injury, you earn less than before your injury, you may be eligible for Temporary Partial Disability (TPD) benefits. TPD is paid while you are still receiving medical treatment and equals two-thirds of the difference between your wage at the time of the injury and your new wage. This benefit can be paid for a maximum of 100 weeks. The amount cannot exceed the maximum TTD rate set by law.
- › **Permanent Partial Disability.** Some injuries are permanent. For example, you may have lost a part of a finger or your back will never function as it did before the injury. If you have an injury that is permanent and partial and the doctor has rated the injury, you are eligible for a Permanent Partial Disability (PPD) benefit. The percentage of disability assigned to the body part injured determines the amount of the PPD benefit paid to you. It is paid after your temporary total disability benefit ends.
- › **Permanent Total Disability.** Sometimes a work injury or illness prevents you from returning to any type of work. Then you may be eligible for Permanent Total Disability (PTD) benefits. PTD benefits are paid for life at the same rate as your Temporary Total Disability benefit.
- › **Death benefits.** Dependents of a worker who dies because of a work related accident or disease may be eligible for dependents' benefits. The weekly benefit is based on the number of dependents and the worker's wage. In addition, funeral expenses are paid up to a statutory maximum.

The Workers' Compensation Law provides that an employer cannot discharge or discriminate against an employee for exercising his or her rights under the law or being off work because of an injury. There is no requirement in the Workers' Compensation law that an employer keep a job open while the employee is off or to rehire the employee. If you hire an attorney to represent you in your case, the attorney will be entitled to fees and expenses, as determined by the administrative law judge or legal advisor. Your attorney's fees will be paid out of the compensation you receive.

## Is Physical Rehabilitation Available?

If you are unable to return to work after you have received the medical care necessary to cure your injury, physical rehabilitation may be available. For serious injuries, the Division of Workers' Compensation can authorize a weekly payment of \$40 from the Second Injury Fund to be paid to you while you are receiving the physical rehabilitation services. The payment of this benefit is in addition to any other compensation to which you may be entitled.

You will receive the additional benefit payments during the period you are actually being rehabilitated but for no longer than 20 weeks. In certain circumstances a special order from the Division of Workers' Compensation can extend that period of rehabilitation.

The injury must be serious and the physical rehabilitation must be deemed necessary by a qualified physician. This includes, but is not limited to, paraplegia, quadriplegia, severe burns and head injuries. The rehabilitation must be provided at a facility which is qualified to provide physical rehabilitation for seriously injured workers and has received a certificate of qualification from the Division of Workers' Compensation.

## What Part Does Safety Play?

Each insurance company is required by law to provide, upon request of the employer, safety engineering services to that employer. Most employers who take advantage of this program's services see a reduction in workplace injuries, and for many of them, the reduction is significant.

Providing a safe workplace for employees requires sincere commitment from management. Also, it requires a strong commitment from

employees. Understand the safety controls, requirements and policies of the company for which you work. It is not only the employer's responsibility to maintain a safe workplace but also yours.

## What Part Does An Attorney Play?

The law does not require that employees be represented by an attorney in their workers' compensation claim. However, there may be times legal counsel may be beneficial. The decision to hire an attorney is solely the decision of the employee.

## Fraud Warning

It is a crime for any person, including employers, employees, medical providers, insurance companies, insurance agents, lawyers or any other person, to lie or give false or fraudulent information in order to receive any benefit, payment or financial advantage that the person is not entitled to under the Missouri Workers' Compensation Law.

Also, there is a noncompliance provision in the Workers' Compensation Law that states that any employer failing to insure for its workers' compensation liability is guilty of a misdemeanor.

Anyone may file an allegation of fraud or noncompliance with a legal advisor in the Division of Workers' Compensation or you may report alleged fraud directly by calling 1-800-592-6003. Complaints are received by the Division of Workers' Compensation's Fraud and Noncompliance Unit staff who investigate the complaint.

## Who Can Answer My Questions?

Your employer or its insurance company can answer most questions about your injury. For additional information, contact the Division of Workers' Compensation at any of the following numbers:

Information Specialists - 1-800-775-2667 - For employees only.

### Central Office

Missouri Division of Workers' Compensation  
P.O. Box 58  
Jefferson City, Missouri 65102-0058  
(573) 751-4231  
Internet Home Page: [www.dolir.mo.gov/wc](http://www.dolir.mo.gov/wc)

### Division Offices

111 N. Seventh St., Room 250  
St. Louis, MO 63101-2170  
(314) 340-6865

525 Jules St., Room 315  
St. Joseph, MO 64501-1900  
(816) 387-2275

3102 Blattner Dr. Suite 101  
Cape Girardeau, MO 63703-6365  
(573) 290-5757

3737 Harry S. Truman Blvd.  
St. Charles, MO 63301-4052  
(636) 940-3326

3311 Texas  
Joplin, MO 64804-4343  
(417) 629-3032

1736 East Sunshine, Suite 610  
Springfield, MO 65804  
(417) 888-4100

1805 Grand Avenue, 4th Floor  
Kansas City, MO 64108-1840  
(816) 889-2481

3315 West Truman Boulevard  
P.O. Box 58  
Jefferson City, MO 65102-0058  
(573) 751-4231



Missouri Department of Labor and Industrial Relations

**DIVISION OF WORKERS' COMPENSATION**

P.O. Box 58

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OFFICIAL BUSINESS

RETURN SERVICE REQUESTED