

SENATE BILL NO. 996

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (15).

4963S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 287.200, 287.470, 287.610, 287.615, 287.812, 287.835, and 621.045, RSMo, and to enact in lieu thereof seven new sections relating to workers' compensation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 287.200, 287.470, 287.610, 287.615,
2 287.812, 287.835, and 621.045, RSMo, are repealed and seven new
3 sections enacted in lieu thereof, to be known as sections
4 287.200, 287.470, 287.610, 287.615, 287.812, 287.835, and
5 621.045, to read as follows:

287.200. 1. Compensation for permanent total
2 disability shall be paid during the continuance of such
3 disability from the date of maximum medical improvement for
4 the lifetime of the employee at the weekly rate of
5 compensation in effect under this subsection on the date of
6 the injury for which compensation is being made. The word
7 "employee" as used in this section shall not include the
8 injured worker's dependents, estate, or other persons to
9 whom compensation may be payable as provided in subsection 1
10 of section 287.020. The amount of such compensation shall
11 be computed as follows:

12 (1) For all injuries occurring on or after September
13 28, 1983, but before September 28, 1986, the weekly
14 compensation shall be an amount equal to sixty-six and two-
15 thirds percent of the injured employee's average weekly

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 earnings during the year immediately preceding the injury,
17 as of the date of the injury; provided that the weekly
18 compensation paid under this subdivision shall not exceed an
19 amount equal to seventy percent of the state average weekly
20 wage, as such wage is determined by the division of
21 employment security, as of the July first immediately
22 preceding the date of injury;

23 (2) For all injuries occurring on or after September
24 28, 1986, but before August 28, 1990, the weekly
25 compensation shall be an amount equal to sixty-six and two-
26 thirds percent of the injured employee's average weekly
27 earnings during the year immediately preceding the injury,
28 as of the date of the injury; provided that the weekly
29 compensation paid under this subdivision shall not exceed an
30 amount equal to seventy-five percent of the state average
31 weekly wage, as such wage is determined by the division of
32 employment security, as of the July first immediately
33 preceding the date of injury;

34 (3) For all injuries occurring on or after August 28,
35 1990, but before August 28, 1991, the weekly compensation
36 shall be an amount equal to sixty-six and two-thirds percent
37 of the injured employee's average weekly earnings as of the
38 date of the injury; provided that the weekly compensation
39 paid under this subdivision shall not exceed an amount equal
40 to one hundred percent of the state average weekly wage;

41 (4) For all injuries occurring on or after August 28,
42 1991, the weekly compensation shall be an amount equal to
43 sixty-six and two-thirds percent of the injured employee's
44 average weekly earnings as of the date of the injury;
45 provided that the weekly compensation paid under this
46 subdivision shall not exceed an amount equal to one hundred
47 five percent of the state average weekly wage;

48 (5) For all injuries occurring on or after September
49 28, 1981, the weekly compensation shall in no event be less
50 than forty dollars per week.

51 2. Permanent total disability benefits that have
52 accrued through the date of the injured employee's death are
53 the only permanent total disability benefits that are to be
54 paid in accordance with section 287.230. The right to
55 unaccrued compensation for permanent total disability of an
56 injured employee terminates on the date of the injured
57 employee's death in accordance with section 287.230, and
58 does not survive to the injured employee's dependents,
59 estate, or other persons to whom compensation might
60 otherwise be payable.

61 3. **(1)** All claims for permanent total disability
62 shall be determined in accordance with the facts. [When an
63 injured employee receives an award for permanent total
64 disability but by the use of glasses, prosthetic appliances,
65 or physical rehabilitation the employee is restored to his
66 or her regular work or its equivalent, the life payment
67 mentioned in subsection 1 of this section shall be suspended
68 during the time in which the employee is restored to his or
69 her regular work or its equivalent.] The employer and the
70 division shall keep the file open in the case during the
71 lifetime of any injured employee who has received an award
72 of permanent total disability.

73 **(2) When an injured employee receives an award for**
74 **permanent total disability but by the use of glasses,**
75 **prosthetic appliances, or physical rehabilitation the**
76 **employee is restored to his or her regular work or its**
77 **equivalent, the life payment mentioned in subsection 1 of**
78 **this section shall be suspended during the time in which the**
79 **employee is restored to his or her regular work or its**

80 **equivalent.** In any case where the life payment is suspended
81 under this [subsection] **subdivision**, the commission may at
82 reasonable times review the case and either the employee or
83 the employer may request an informal conference with the
84 commission relative to the resumption of the employee's
85 weekly life payment in the case.

86 **(3) Upon filing of a written agreement signed by the**
87 **claimant and his or her attorney, the commission shall**
88 **change the name, information, or fee arrangement of the**
89 **attorney or law firm associated with the claimant's case.**

90 4. For all claims filed on or after January 1, 2014,
91 for occupational diseases due to toxic exposure which result
92 in a permanent total disability or death, benefits in this
93 chapter shall be provided as follows:

94 (1) Notwithstanding any provision of law to the
95 contrary, such amount as due to the employee during said
96 employee's life as provided for under this chapter for an
97 award of permanent total disability and death, except such
98 amount shall only be paid when benefits under subdivisions
99 (2) and (3) of this subsection have been exhausted;

100 (2) For occupational diseases due to toxic exposure,
101 but not including mesothelioma, an amount equal to two
102 hundred percent of the state's average weekly wage as of the
103 date of diagnosis for one hundred weeks paid by the
104 employer; and

105 (3) In cases where occupational diseases due to toxic
106 exposure are diagnosed to be mesothelioma:

107 (a) For employers that have elected to accept
108 mesothelioma liability under this subsection, an additional
109 amount of three hundred percent of the state's average
110 weekly wage for two hundred twelve weeks shall be paid by
111 the employer or group of employers such employer is a member

112 of. Employers that elect to accept mesothelioma liability
113 under this subsection may do so by either insuring their
114 liability, by qualifying as a self-insurer, or by becoming a
115 member of a group insurance pool. A group of employers may
116 enter into an agreement to pool their liabilities under this
117 subsection. If such group is joined, individual members
118 shall not be required to qualify as individual self-
119 insurers. Such group shall comply with section 287.223. In
120 order for an employer to make such an election, the employer
121 shall provide the department with notice of such an election
122 in a manner established by the department. The provisions
123 of this paragraph shall expire on December 31, 2038; or

124 (b) For employers who reject mesothelioma under this
125 subsection, then the exclusive remedy provisions under
126 section 287.120 shall not apply to such liability. The
127 provisions of this paragraph shall expire on December 31,
128 2038; and

129 (4) The provisions of subdivision (2) and paragraph
130 (a) of subdivision (3) of this subsection shall not be
131 subject to suspension of benefits as provided in subsection
132 3 of this section; and

133 (5) Notwithstanding any other provision of this
134 chapter to the contrary, should the employee die before the
135 additional benefits provided for in subdivision (2) and
136 paragraph (a) of subdivision (3) of this subsection are
137 paid, the additional benefits are payable to the employee's
138 spouse or children, natural or adopted, legitimate or
139 illegitimate, in addition to benefits provided under section
140 287.240. If there is no surviving spouse or children and
141 the employee has received less than the additional benefits
142 provided for in subdivision (2) and paragraph (a) of
143 subdivision (3) of this subsection the remainder of such

144 additional benefits shall be paid as a single payment to the
145 estate of the employee;

146 (6) The provisions of subdivision (1) of this
147 subsection shall not be construed to affect the employee's
148 ability to obtain medical treatment at the employer's
149 expense or any other benefits otherwise available under this
150 chapter.

151 5. Any employee who obtains benefits under subdivision
152 (2) of subsection 4 of this section for acquiring asbestosis
153 who later obtains an award for mesothelioma shall not
154 receive more benefits than such employee would receive
155 having only obtained benefits for mesothelioma under this
156 section.

287.470. **1.** Upon its own motion or upon the
2 application of any party in interest on the ground of a
3 change in condition, the commission may at any time upon a
4 rehearing after due notice to the parties interested review
5 any award and on such review may make an award ending,
6 diminishing or increasing the compensation previously
7 awarded, subject to the maximum or minimum provided in this
8 chapter, and shall immediately send to the parties and the
9 employer's insurer a copy of the award. No such review
10 shall affect such award as regards any moneys paid.

11 **2. Upon the filing of a written agreement signed by**
12 **the claimant and his or her attorney, the commission shall**
13 **change the name, information, or fee arrangement of the**
14 **attorney or law firm associated with the claimant's case.**

287.610. 1. After August 28, 2005, the division may
2 appoint additional administrative law judges for a maximum
3 of [forty] **forty-one** authorized administrative law judges.
4 Appropriations shall be based upon necessity, measured by
5 the requirements and needs of each division office.

6 Administrative law judges shall be duly licensed lawyers
7 under the laws of this state. Administrative law judges
8 shall not practice law or do law business and shall devote
9 their whole time to the duties of their office. **All**
10 **administrative law judges shall retire from such position at**
11 **the age of seventy years. The provisions of section 36.025**
12 **shall not apply to administrative law judges.** The director
13 of the division of workers' compensation shall publish and
14 maintain on the division's website the appointment dates or
15 initial dates of service for all administrative law judges.

16 2. [The thirteen administrative law judges with the
17 most years of service shall be subject to a retention vote
18 on August 28, 2008. The next thirteen administrative law
19 judges with the most years of service in descending order
20 shall be subject to a retention vote on August 28, 2012.
21 Administrative law judges appointed and not previously
22 referenced in this subsection shall be subject to a
23 retention vote on August 28, 2016. Subsequent retention
24 votes shall be held every twelve years. Any administrative
25 law judge who has received two or more votes of no
26 confidence under performance audits by the committee shall
27 not receive a vote of retention.

28 3. The administrative law judge review committee
29 members shall not have any direct or indirect employment or
30 financial connection with a workers' compensation insurance
31 company, claims adjustment company, health care provider nor
32 be a practicing workers' compensation attorney. All members
33 of the committee shall have a working knowledge of workers'
34 compensation.

35 4. The committee shall within thirty days of
36 completing each performance audit make a recommendation of

37 confidence or no confidence for each administrative law
38 judge.

39 5.1 The administrative law judges appointed by the
40 division shall only have jurisdiction to hear and determine
41 claims upon original hearing and shall have no jurisdiction
42 upon any review hearing, either in the way of an appeal from
43 an original hearing or by way of reopening any prior award,
44 except to correct a clerical error in an award or settlement
45 if the correction is made by the administrative law judge
46 within twenty days of the original award or settlement. The
47 labor and industrial relations commission may remand any
48 decision of an administrative law judge for a more complete
49 finding of facts. The commission may also correct a
50 clerical error in awards or settlements within thirty days
51 of its final award. With respect to original hearings, the
52 administrative law judges shall have such jurisdiction and
53 powers as are vested in the division of workers'
54 compensation under other sections of this chapter, and
55 wherever in this chapter the word "commission",
56 "commissioners" or "division" is used in respect to any
57 original hearing, those terms shall mean the administrative
58 law judges appointed under this section. When a hearing is
59 necessary upon any claim, the division shall assign an
60 administrative law judge to such hearing. Any
61 administrative law judge shall have power to approve
62 contracts of settlement, as provided by section 287.390,
63 between the parties to any compensation claim or dispute
64 under this chapter pending before the division of workers'
65 compensation. Any award by an administrative law judge upon
66 an original hearing shall have the same force and effect,
67 shall be enforceable in the same manner as provided
68 elsewhere in this chapter for awards by the labor and

69 industrial relations commission, and shall be subject to
70 review as provided by section 287.480.

71 [6.] 3. Any of the administrative law judges employed
72 pursuant to this section may be assigned on a temporary
73 basis to the branch offices as necessary in order to ensure
74 the proper administration of this chapter.

75 [7.] 4. All administrative law judges shall be
76 required to participate in, on a continuing basis, specific
77 training that shall pertain to those elements of knowledge
78 and procedure necessary for the efficient and competent
79 performance of the administrative law judges' required
80 duties and responsibilities. Such training requirements
81 shall be established by the division subject to
82 appropriations and shall include training in medical
83 determinations and records, mediation and legal issues
84 pertaining to workers' compensation adjudication. Such
85 training may be credited toward any continuing legal
86 education requirements.

87 [8. (1) The administrative law judge review committee
88 shall conduct a performance audit of all administrative law
89 judges every two years. The audit results, stating the
90 committee's recommendation of confidence or no confidence of
91 each administrative law judge shall be sent to the governor
92 no later than the first week of each legislative session
93 immediately following such audit. Any administrative law
94 judge who has received three or more votes of no confidence
95 under two successive performance audits by the committee may
96 have their appointment immediately withdrawn.

97 (2) The review committee shall consist of one member
98 appointed by the president pro tem of the senate, one member
99 appointed by the minority leader of the senate, one member
100 appointed by the speaker of the house of representatives,

101 and one member appointed by the minority leader of the house
102 of representatives. The governor shall appoint to the
103 committee one member selected from the commission on
104 retirement, removal, and discipline of judges. This
105 member shall act as a member ex officio and shall not have a
106 vote in the committee. The committee shall annually elect a
107 chairperson from its members for a term of one year. The
108 term of service for all members shall be two years. The
109 review committee members shall all serve without
110 compensation. Necessary expenses for review committee
111 members and all necessary support services to the review
112 committee shall be provided by the division.]

113 **5. The director of the division may file a complaint**
114 **with the administrative hearing commission, as provided**
115 **under chapter 621, seeking to remove an administrative law**
116 **judge from office if the administrative law judge:**

117 (1) **Has committed any felony, as defined in**
118 **subdivision (26) of section 556.061, or misdemeanor, as**
119 **defined in subdivision (33) of section 556.061, regardless**
120 **of whether a criminal charge has been filed;**

121 (2) **Has been convicted, or has entered a plea of**
122 **guilty or nolo contendere in a criminal prosecution under**
123 **the laws of any state, the United States, or of any country,**
124 **regardless of whether sentence is imposed;**

125 (3) **Is guilty of misconduct, habitual intoxication,**
126 **willful neglect of duty, corruption in office, or**
127 **incompetency; or**

128 (4) **Has committed any act that involves moral**
129 **turpitude or oppression in office.**

130 **6. (1) Prior to the filing of the complaint, the**
131 **director shall notify the administrative law judge in**
132 **writing of the reasons for the complaint.**

133 (2) If the reason for the complaint is willful neglect
134 of duty or incompetency, the administrative law judge shall
135 have ninety days from the date the complaint was made to
136 remedy the complained of behavior. If such complained of
137 behavior has not been remedied after ninety days, the
138 director may file the complaint with the administrative
139 hearing commission as provided by chapter 621.

140 7. After the director has filed a complaint with the
141 administrative hearing commission, the proceedings shall be
142 conducted in accordance with the provisions of chapter 621.
143 Upon a finding by the administrative hearing commission that:

144 (1) The grounds, provided in subsection 5 of this
145 section, for disciplinary action are met, the director may,
146 singly or in combination, issue the following disciplinary
147 actions against the administrative law judge: removal from
148 office, suspension from the performance of duties for a
149 period of time, or other discipline as determined by the
150 director. The director shall make a record of written
151 findings of fact and conclusions of law with respect to the
152 issues and shall put a copy of such record in the
153 administrative law judge's permanent file; or

154 (2) There are no grounds for disciplinary action, the
155 administrative law judge shall immediately resume duties and
156 shall receive any attorney's fees due under section 536.087.

157 8. Notwithstanding any provision of this section to
158 the contrary, the following events or acts by an
159 administrative law judge are deemed to be an immediate
160 threat to the administration of the provisions of chapter
161 287 and shall be considered cause for suspension with pay of
162 the administrative law judge without notice, at the
163 discretion of the director:

164 (1) A crime for which the administrative law judge is
165 being held without bond for a period of more than fourteen
166 days;

167 (2) Suspension or revocation of a license to practice
168 law; or

169 (3) A declaration of incapacity by a court of
170 competent jurisdiction.

171 9. No rule or portion of a rule promulgated pursuant
172 to the authority of this section shall become effective
173 unless it has been promulgated pursuant to the provisions of
174 chapter 536.

 287.615. 1. The division may appoint or employ such
2 persons as may be necessary to the proper administration of
3 this chapter. All salaries to clerical employees shall be
4 fixed by the division and approved by the labor and
5 industrial relations commission. Beginning January 1, 2006,
6 the annual salary of each administrative law judge[,] and
7 administrative law judge in charge[, and chief legal
8 counsel] shall be as follows:

9 (1) [For any chief legal counsel located at the
10 division office in Jefferson City, Missouri, compensation at
11 two thousand dollars above eighty percent of the rate at
12 which an associate circuit judge is compensated;

13 (2)] For each administrative law judge, compensation
14 at ninety percent of the rate at which an associate division
15 circuit judge is compensated;

16 [(3)] (2) For each administrative law judge in charge,
17 compensation at the same rate as an administrative law judge
18 plus [five] ten thousand dollars.

19 2. Administrative law judges' and chief administrative
20 law judges' compensation shall be determined solely by the

21 rate outlined in this section and shall not increase when
22 pay raises for executive employees are appropriated.

23 3. In the event that any administrative law judge is
24 deployed as a member of the National Guard, the judge shall
25 receive up to one hundred twenty days of salary, but in no
26 event longer than the period of deployment.

27 4. The salary of the director of the division of
28 workers' compensation shall be set by the director of the
29 department of labor and industrial relations, but shall not
30 be less than the salary plus two thousand dollars of an
31 administrative law judge in charge. The appointees in each
32 classification shall be selected as nearly as practicable in
33 equal numbers from each of the two political parties casting
34 the highest and the next highest number of votes for
35 governor in the last preceding state election.

287.812. As used in sections 287.812 to 287.855,
2 unless the context clearly requires otherwise, the following
3 terms shall mean:

4 (1) "Administrative law judge", any person appointed
5 pursuant to section 287.610 or section 621.015, or any
6 person who hereafter may have by law all of the powers now
7 vested by law in administrative law judges appointed under
8 the provisions of the workers' compensation law;

9 (2) "Beneficiary", a surviving spouse married to the
10 deceased administrative law judge or legal advisor of the
11 division of workers' compensation continuously for a period
12 of at least two years immediately preceding the
13 administrative law judge's or legal advisor's death and also
14 on the day of the last termination of such person's
15 employment as an administrative law judge or legal advisor
16 for the division of workers' compensation, or if there is no
17 surviving spouse eligible to receive benefits, any minor

18 child of the deceased administrative law judge or legal
19 advisor, or any child of the deceased administrative law
20 judge or legal advisor who, regardless of age, is unable to
21 support himself because of intellectual disability, disease
22 or disability, or any physical handicap or disability, who
23 shall share in the benefits on an equal basis with all other
24 beneficiaries;

25 (3) "Benefit", a series of equal monthly payments
26 payable during the life of an administrative law judge or
27 legal advisor of the division of workers' compensation
28 retiring pursuant to the provisions of sections 287.812 to
29 287.855 or payable to a beneficiary as provided in sections
30 287.812 to 287.850;

31 (4) "Board", the board of trustees of the Missouri
32 state employees' retirement system;

33 (5) ["Chief legal counsel", any person appointed or
34 employed under section 287.615 to serve in the capacity of
35 legal counsel to the division;

36 [(6)] "Division", the division of workers' compensation
37 of the state of Missouri;

38 [(7)] (6) "Legal advisor", any person appointed or
39 employed pursuant to section 287.600[,] or 287.615[, or
40 287.616] to serve in the capacity as a legal advisor or an
41 associate administrative law judge and any person appointed
42 pursuant to section 286.010 or pursuant to section 295.030,
43 and any attorney or legal counsel appointed or employed
44 pursuant to section 286.070;

45 [(8)] (7) "Salary", the total annual compensation paid
46 for personal services as an administrative law judge or
47 legal advisor, or both, of the division of workers'
48 compensation by the state or any of its political
49 subdivisions.

287.835. [1. No benefits provided pursuant to sections 287.812 to 287.855 shall be paid to any person who has been removed from office by impeachment or for misconduct, nor to any person who has been disbarred from the practice of law, nor to the beneficiary of any such persons.

2.] The board of trustees of the Missouri state employees' retirement system shall cease paying benefits to any beneficiary of an administrative law judge or legal advisor who is charged with the intentional killing of the administrative law judge or legal advisor without legal excuse or justification. A beneficiary who is convicted of such charges shall no longer be entitled to receive benefits. If the beneficiary is not convicted of such charge, the board shall resume payment of benefits and shall pay the beneficiary any benefits that were suspended pending resolution of such charge.

621.045. 1. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in those cases when, under the law, a license issued by any of the following agencies may be revoked or suspended or when the licensee may be placed on probation or when an agency refuses to permit an applicant to be examined upon his or her qualifications or refuses to issue or renew a license of an applicant who has passed an examination for licensure or who possesses the qualifications for licensure without examination:

Missouri State Board of Accountancy

Missouri State Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Board of Barber Examiners

16 Board of Cosmetology
17 Board of Chiropody and Podiatry
18 Board of Chiropractic Examiners
19 Missouri Dental Board
20 Board of Embalmers and Funeral Directors
21 Board of Registration for the Healing Arts
22 Board of Nursing
23 Board of Optometry
24 Board of Pharmacy
25 Missouri Real Estate Commission
26 Missouri Veterinary Medical Board
27 Supervisor of Liquor Control
28 Department of Health and Senior Services
29 Department of Commerce and Insurance
30 Department of Mental Health
31 Board of Private Investigator Examiners.

32 2. If in the future there are created by law any new
33 or additional administrative agencies which have the power
34 to issue, revoke, suspend, or place on probation any
35 license, then those agencies are under the provisions of
36 this law.

37 3. The administrative hearing commission is authorized
38 to conduct hearings and make findings of fact and
39 conclusions of law in those cases brought by the Missouri
40 state board for architects, professional engineers,
41 professional land surveyors and landscape architects against
42 unlicensed persons under section 327.076.

43 4. **The administrative hearing commission is authorized**
44 **to conduct hearings and make findings of fact and**
45 **conclusions of law in those cases brought by the division of**
46 **workers' compensation of the department of labor and**

47 **industrial relations against administrative law judges under**
48 **section 287.610.**

49 5. Notwithstanding any other provision of this section
50 to the contrary, after August 28, 1995, in order to
51 encourage settlement of disputes between any agency
52 described in subsection 1 or 2 of this section and its
53 licensees, any such agency shall:

54 (1) Provide the licensee with a written description of
55 the specific conduct for which discipline is sought and a
56 citation to the law and rules allegedly violated, together
57 with copies of any documents which are the basis thereof and
58 the agency's initial settlement offer, or file a contested
59 case against the licensee;

60 (2) If no contested case has been filed against the
61 licensee, allow the licensee at least sixty days, from the
62 date of mailing, to consider the agency's initial settlement
63 offer and to contact the agency to discuss the terms of such
64 settlement offer;

65 (3) If no contested case has been filed against the
66 licensee, advise the licensee that the licensee may, either
67 at the time the settlement agreement is signed by all
68 parties, or within fifteen days thereafter, submit the
69 agreement to the administrative hearing commission for
70 determination that the facts agreed to by the parties to the
71 settlement constitute grounds for denying or disciplining
72 the license of the licensee; and

73 (4) In any contact under this subsection by the agency
74 or its counsel with a licensee who is not represented by
75 counsel, advise the licensee that the licensee has the right
76 to consult an attorney at the licensee's own expense.

77 [5.] 6. If the licensee desires review by the
78 administrative hearing commission under subdivision (3) of

79 subsection [4] 5 of this section at any time prior to the
80 settlement becoming final, the licensee may rescind and
81 withdraw from the settlement and any admissions of fact or
82 law in the agreement shall be deemed withdrawn and not
83 admissible for any purposes under the law against the
84 licensee. Any settlement submitted to the administrative
85 hearing commission shall not be effective and final unless
86 and until findings of fact and conclusions of law are
87 entered by the administrative hearing commission that the
88 facts agreed to by the parties to the settlement constitute
89 grounds for denying or disciplining the license of the
90 licensee.

91 [6.] 7. When a holder of a license, registration,
92 permit, or certificate of authority issued by the division
93 of professional registration or a board, commission, or
94 committee of the division of professional registration
95 against whom an affirmative decision is sought has failed to
96 plead or otherwise respond in the contested case and
97 adequate notice has been given under sections 536.067 and
98 621.100 upon a properly pled writing filed to initiate the
99 contested case under this chapter or chapter 536, a default
100 decision shall be entered against the licensee without
101 further proceedings. The default decision shall grant such
102 relief as requested by the division of professional
103 registration, board, committee, commission, or office in the
104 writing initiating the contested case as allowed by law.
105 Upon motion stating facts constituting a meritorious defense
106 and for good cause shown, a default decision may be set
107 aside. The motion shall be made within a reasonable time,
108 not to exceed thirty days after entry of the default
109 decision. "Good cause" includes a mistake or conduct that

110 is not intentionally or recklessly designed to impede the
111 administrative process.

✓