

FIRST REGULAR SESSION

SENATE BILL NO. 374

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MATHEWSON.

Read 1st time January 28, 1999, and 1,000 copies ordered printed.

S1705.03I

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 287.203, RSMo 1994, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 287.203, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 287.203, to read as follows:

287.203. **1.** Whenever the employer has provided compensation under section 287.170, 287.180 or 287.200, and terminates such compensation, the employer shall notify the employee of such termination and shall advise the employee of the reason for such termination. If the employee disputes the termination of such benefits, the employee may request a hearing before the division and the division shall set the matter for hearing within sixty days of such request and the division shall hear the matter on the date of hearing and no continuances or delays may be granted except upon a showing of good cause or by consent of the parties. The division shall render a decision within thirty days of the date of hearing. Reasonable cost of recovery shall be awarded to the prevailing party.

2. An employer who has terminated an employee's compensation pursuant to subsection 1 of this section, shall not subsequently terminate compensation for the same injury of the employee unless such employer complies with the provisions of this subsection. If an employer wishes to terminate compensation for an employee and the employer has previously terminated compensation for the same injury of the employee, the employer may request a hearing before the division and the division shall set the matter for hearing within sixty days of such request and the division shall hear the matter on the date of the hearing and no continuances or delays may be granted except upon a showing of good cause or by consent of the parties. The division shall render

a decision to terminate compensation only upon the employer proving to the division by a clear and convincing standard that the employer is justified in terminating compensation pursuant to the provisions of chapter 287, RSMo. The division shall render a decision within thirty days of the date of the hearing. The employer shall continue to provide compensation until a decision has been rendered by the division that such employer may terminate compensation.

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