

Workers' Compensation Claims 101:

What You Need to Know



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For more than 40 years, the attorneys at [Boyd Kenter Thomas & Parrish](#) have zealously represented thousands of injured persons and their families in Missouri and Kansas. Our experience and reputation are second to none, as is our commitment to securing justice for those who have been injured, made sick or killed by their jobs.

Typical Phases of a Workers' Compensation Claim

Injury — Release from Medical Care

Properly documenting your claim is essential, especially when it comes to providing medical evidence regarding the extent of your injuries. Typically, once you are released by your treating doctors, we will request a copy of your medical records. You may continue to experience pain and limitations on your abilities due to your injuries, even after you are released to work. Because of the limitations on temporary total disability payments, you may continue to experience financial hardships.

Release from Medical Care — Mediation and/or Pre-Trial Appearances

Once we have collected your pertinent medical records, we will arrange for you to meet with one or more qualified experts for an evaluation. These experts typically will be medical specialists, but depending upon your claim, this can include vocational consultants, psychologists and therapists. This evaluation is a critical step in identifying the strengths of your claim. Once the report of the expert is received, typically your claim is ready for a settlement demand to be prepared and sent to the defense attorneys by us. Depending upon whether Missouri or Kansas law applies, the procedure is different, but we will request a mediation (MO) or other Pre-Trial Motions (KS) to get your claim before a judge. This process may take several months and is dependent upon the Division of Workers' Compensation (the Division) providing us with a date to proceed.

Mediation — Settlement or Trial

If the mediation or Pre-Trial appearance does not result in an offer you and we believe appropriate, we will seek a trial (hearing) date. At this stage, we will present evidence in support of your claim. Scheduling conflicts of Defense attorneys or medical experts and the Division's docket can delay the resolution of your claim. It can take 120-150 days from when our request is made before your claim is scheduled for the trial (hearing). Whether your claim is settled or tried, our efforts and goals are the same: we seek the maximum compensation allowed by law for you.

You have rights. We will help you understand them. Visit bktplaw.com or call 816.471.4511 for a free consultation.

Workers' Compensation Terms You Should Know

Temporary Total Disability: When you are authorized by a physician to temporarily be off work, you receive 2/3 of your average weekly wage, subject to a maximum amount. This payment stops when you are released to return to work by a physician.

Permanent Partial Disability: If your injury results in a permanent loss or limitation, compensation is paid based upon a complex numerical formula. You can receive compensation for a permanent loss even if you can return to the same job you held at the time of your injury.

Permanent Total Disability: If you are unable to work because of the impact from your injury, you may qualify for payments for the rest of your life in Missouri, and presently, for a maximum capped amount in Kansas. Inability to work is measured by your access to the open labor market, and whether it is reasonable for an employer to hire you given your permanent limitations.

Maximum Medical Improvement: When a physician releases you from further care and does not expect you to materially improve, insurance companies typically try to stop access to further medical care. This is so even when a physician releases you to return as needed (the medical term is "PRN"). The physician believes there is nothing more they can do to improve your condition.

Workers' compensation claims are a long and complicated legal process and this brochure is for your reference only. Your claim is uniquely yours and our goal is to keep your claim expeditiously moving through the court system to maximize your rights to compensation. ■



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