



Evans & Dixon, L.L.C.

Kansas Workers' Compensation At-A-Glance

Kansas Division of Workers' Compensation
www.dol.ks.gov

Jurisdiction

1. Contract of hire
2. Location where hurt
3. Where employee does majority of work

Coverage

1. Any employment that has gross payroll of at least \$20,000. 44.-505(a)(2)
2. Any personal injury caused by accident arising out of and in the course of employment. 44-501.
 - a. Burden of proof on claimant to show claimant's right to benefits.

Statute of Limitations

1. **Written** claims within 200 days of the date of accident or last benefit paid (whichever is later), claimant must give written demand for benefits. 44-520(a). If no Report of Accident is filed, then this is extended to one year. 44-557

Notice

1. Employee must give verbal notice to supervisor/management within 10 days (weekends do not count). This can be extended to 75 days for just cause. 44-520(a). If no Report of Accident is filed, then this is extended to one year. 44-557.

Venue

1. All hearings are to be held by the ALJ in the county of accident unless otherwise agreed. 44-549

Report of Accident

1. Required to be filed with the State w/in 28 days "if the personal injuries which are sustained by such accidents, are sufficient wholly or partially to incapacitate the person injured from labor or service for more than remainder of day, shift, or turn on which such injuries were sustained." 44-557.

AWW/Comp Rate

1. 26 weeks preceding to DOA. 44-511. Fringe benefits stopped for any reason also calculated in AWW. 44-511(a)(2).
2. Full time employee computed at 40 hours a week minimum unless normal work week is less than 40 hours.
3. Comp rate is lower of 66 2/3% of the AWW or max rate. Only one rate for both TTD and PPD.

Benefits

1. Medical – Employer directs medical and selects physicians. Fee schedule dictates how much providers can charge.
 - a. Unauthorized medical – claimant can receive up to \$500 unauthorized medical care (not for rating).
 - b. Mileage – Owed for anything over 5 miles (medical only).
2. TTD – Employee is "completely and temporarily incapable of engaging in any type of substantial and gainful employment." 44-510c(b)(2).
 - a. Up to \$100,000 44-510f(a)(2).
 - b. Waiting period of 1 week. If TTD lasts for 3 weeks, then first week retroactive. 44-510c(b)(1).
 - c. Return to or release by treating physician to any substantial and gainful employment terminates TTD. 44-510c(b)(3).
3. PTD – Employee has been "rendered completely and permanently incapable of engaging in any type of substantial and gainful employment." Cap of \$125,000 in compensation.
4. PPD
 - a. According to schedule of 44-510d(a)
 - b. Impairment to be determined according to Guides to Evaluation of Permanent Impairment, 4th Edition
5. TPD – No TPD for scheduled injuries. Only for body as a whole.



Kansas Workers' Compensation At-A-Glance Continued

Occupational Disease

1. Date when claimant becomes incapacitated is same as date of accident. 44-5a06.
2. Last employer solely responsible for occupational disease.
3. AWW based on date of last exposure with last employer.

Work Disability

1. If claimant injures head, neck, or back and has permanent restrictions employer cannot accommodate, then work disability triggered.
2. Can defeat claim if claimant finds work that pays 90% or more of pre-injury wage.
3. Maximum of \$100,000 minus any amount of TTD or TPD. Medical unlimited.
4. Work disability equals (Wage Loss + Task Loss)/2.
5. Task Loss based on 15 years preceding date of accident.

Death

1. Benefits payable to dependents of deceased claimant. 44-510(a).
 - a. Initial payment of \$40,000 to surviving spouse or wholly dependent child. 44-510(a).
 - b. Weekly compensation to all dependents not to exceed PTD limits. 44-510b(a).
 - c. Surviving spouse's benefits capped at \$250,000.
2. Burial expense to not exceed \$5,000. 44-510b(f).

OFFICE LOCATIONS

Evans & Dixon, L.L.C.

515 Olive Street, Suite 1100
St. Louis, Missouri 63101
(314) 621-7755

Evans & Dixon, L.L.C.

1717 E. Republic Rd., Suite C
Springfield, Missouri 65804
(417) 882-4700

Evans & Dixon, L.L.C.

1100 Main Street, Suite 2000
Kansas City, MO 64105
(816) 472-4600

www.evans-dixon.com