

New Kansas Workers Compensation Law-Effective May 15, 2011

Gov. Brownback just signed into law significant changes in the Kansas Workers' Compensation Act. These changes will be effective on May 15, 2011, and will apply to all injuries occurring after that day. Most of the changes are adverse to injured workers, especially older workers who may have preexisting conditions. As your Union attorneys, we are trying to provide this information to Union members before the law changes.

Some of the major changes are summarized below:

1. **Notice of injury.** Most injuries will need to be reported within 30 days of the accident. However, different rules apply if you see a physician for your injuries and/or if your injuries are from repetitive trauma. Different rules may also apply if you are laid off, quit or are fired. In many cases the time to report an injury may be reduced to 20 days.
2. **Prevailing Factor.** One of the biggest changes in the law is the new requirement that your work injury be the "prevailing factor" in your injury or disability. No longer will injuries be deemed work related just because work played a part in the condition. This will really affect aggravations of preexisting conditions. Any condition you have as of May 15, 2011, could be considered a preexisting condition. **If you have such a condition that has been aggravated by work, you should file a claim before May 15, 2011.**
3. **Future Medical.** Future medical benefits will not automatically be left open on claims after May 15, 2011.
4. **New definition of accident.** The new law redefines what types of injuries are considered work related. This is mainly done by listing different kinds of conditions that will no longer be considered work related injuries. Although we will challenge these provisions in court, if you are having problems now, it would be best to file your workers compensation claim before May 15, 2011.

If you are having physical problems that you think were caused or made worse by work, you should most likely file a workers compensation claim before May 15, 2011. Contact us at 316-262-6800 to schedule a free consultation.

These are highlights of the changes made by the legislature. We will be providing more detailed information but this will not probably happen until after May 15. Please have anyone who thinks they have workers compensation issues contact us for a free consultation, before May 15, so they may make an informed decision as to what action they should take.

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