



**MESOTHELIOMA LIABILITY ELECTION OF SELF-INSURED
EMPLOYER OR GROUP TRUST MEMBER PURSUANT TO
§287.200.4(3), RSMo**

Name of self-insured employer or group trust member as appears on Certificate of Self-Insurance Authority issued by the Missouri Division of Workers' Compensation:

I, _____, on behalf of the above named self-insured employer hereby make the following Mesothelioma liability election under the Missouri Workers' Compensation Law as set out in §287.200.4(3), RSMo to:

(Mark One)

- Reject Mesothelioma liability under the Missouri Workers' Compensation Law. **(Please note that for employers who reject Mesothelioma liability under this subsection, the exclusive remedy provisions under section 287.120, RSMo, shall not apply to such liability.)**
- Accept Mesothelioma liability under the Workers' Compensation Law by:

(Mark Only One)

- Insuring our Mesothelioma liability by purchasing insurance coverage from:

Carrier Name: _____

Policy Number: _____

Policy Effective Date: _____

- Accepting Mesothelioma liability under our current Self-Insurance Authority approved by the Division pursuant to §287.280, RSMo, *as amended*.
- Becoming a member of a group insurance pool that complies with the requirements of §287.223, RSMo. This section creates the "Missouri Mesothelioma Risk Management Fund."

Date

Signature

Printed Name

Title

STATE OF MISSOURI)

)

COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 20 _____

My Commission Expires: _____

Notary Public

(SEAL)

Excerpt from the Missouri Workers' Compensation Law:

287.200. 4. For all claims filed on or after the effective date of this section for occupational diseases due to toxic exposure which result in a permanent total disability or death, benefits in this chapter shall be provided as follows:

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

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

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

(a) For employers that have elected to accept Mesothelioma liability under this subsection, an additional amount of three hundred percent of the state's average weekly wage for two hundred twelve weeks shall be paid by the employer or group of employers such employer is a member of. Employers that elect to accept Mesothelioma liability under this subsection may do so by either insuring their liability, by qualifying as a self-insurer, or by becoming a member of a group insurance pool. A group of employers may enter into an agreement to pool their liabilities under this subsection. If such group is joined, individual members shall not be required to qualify as individual self-insurers. Such group shall comply with section 287.223. In order for an employer to make such an election, the employer shall provide the department with notice of such an election in a manner established by the department. The provisions of this paragraph shall expire on December 31, 2038; or

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

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

(5) Notwithstanding any other provision of this chapter to the contrary, should the employee die before the additional benefits provided for in subdivision (2) and paragraph (a) of subdivision (3) of this subsection are paid, the additional benefits are payable to the employee's spouse or children, natural or adopted, legitimate or illegitimate, in addition to benefits provided under section 287.240. If there is no surviving spouse or children and the employee has received less than the additional benefits provided for in subdivision (2) and paragraph (a) of subdivision (3) of this subsection the remainder of such additional benefits shall be paid as a single payment to the estate of the employee;

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

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