Significant Changes to Kansas Workers' Compensation Law

May 12, 2011

The Kansas Legislature made significant changes to the workers' compensation law that will take effect on May 15, 2011. Perhaps the most significant change is to the standard for compensability of injuries. An injury is no longer compensable simply if work is a triggering or precipitating factor or if work simply aggravates, accelerates or exacerbates a preexisting condition or makes it symptomatic. Similar to the changes made to the Missouri workers' compensation law in 2005, the Kansas Legislature deemed that for an injury to be compensable, the work accident must be the "prevailing" factor in causing the (1) injury, (2) medical condition, and (3) resulting disability or impairment. "Prevailing" as it relates to the term "factor" means the primary factor, in relation to any other factor. Read more ...