

Sub. H.B. 27
LSC 132 0003-5

_____ moved to amend as follows:

- In line 1 of the title, delete "742.38, 2743.02, 2744.02, 4113.21," 1
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- In line 2 of the title, delete "4121.125, 4121.44, 4123.01,"; delete "4123.343," 3
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- In line 3 of the title, delete "4123.511, 4123.512," 5
- In line 4 of the title, delete "4123.68,"; delete "4123.84," 6
- In line 5 of the title, delete "4125.07,"; delete ", to enact" 7
8
- In line 6 of the title, delete "sections 1.481, 2307.82, and 4123.513," 9
10
- In line 9 of the title, after "Law" delete the balance of the line 11
12
- Delete lines 10 through 12 of the title 13
- In line 13 of the title, delete "retrospective effects" 14
- In line 19, delete "742.38, 2743.02, 2744.02," 15
- In line 20, delete "4113.21, 4121.125, 4121.44, 4123.01,"; delete "4123.343, 4123.511," 16
17
- In line 21, delete "4123.512,"; delete "4123.68," 18
- In line 22, delete "4123.84, 4125.07,"; after "4167.10" 19

insert "of the Revised Code" 20

In line 23, after "amended" delete the balance of the line 21

In line 24, delete "Code be enacted" 22

Delete lines 25 through 1214 23

Delete lines 1403 through 2082 24

In line 2229, after "~~(d)~~" delete the balance of the line 25

Delete lines 2230 through 2232 26

In line 2233, delete "(c)" and strike through the balance of
the line 27
28

Strike through line 2234 29

In line 2235, strike through "to have barbiturates,
benzodiazepines,"; delete "or"; strike through "methadone" 30
31

In line 2236, strike through "in the employee's system that
tests above levels" 32
33

Strike through line 2237 34

In line 2238, strike through "department of health and human
services" and insert "at a level equal to or in excess of the
cutoff concentration level for the particular substance as
provided in section 40.87 of Title 49 of the Code of Federal
Regulations, 49 C.F.R. 40.87, as amended" 35
36
37
38
39

In line 2646, after "employee's" insert "average or" 40

In line 2649, after "receive" delete the balance of the line 41

Delete line 2650 42

In line 2651, delete "of the Revised Code" and insert "the
minimum amount of compensation permitted under division (A) of
this section"; after "employee's" insert "average or" 43
44
45

In line 2656, after " <u>employee's</u> " insert " <u>average or</u> "	46
In line 2661, after " <u>employee's</u> " insert " <u>average or</u> "	47
In line 2696, after the underlined period, delete the balance	48
of the line	49
Delete lines 2697 through 2699	50
Delete lines 3091 through 3402	51
Delete lines 3425 through 3560	52
In line 3837, delete "742.38, 2743.02,"	53
In line 3838, delete "2744.02, 4113.21, 4121.125, 4121.44,	54
4123.01, "; delete "4123.343,"	55
In line 3839, delete "4123.511, 4123.512,"	56
In line 3840, delete "4123.68, "; delete "4123.84, 4125.07,"	57
Delete lines 3916 through 3923 and insert:	58
" Section 741.10. The amendment by this act to section 4123.57	59
of the Revised Code applies to any claim filed on or after, and to	60
any claim pending, on the effective date of this section.	61
Notwithstanding any provision of section 4123.52 of the Revised	62
Code to the contrary, for all claims pending on the effective date	63
of this act, an employee may refile an application for a	64
determination of the percentage of the employee's permanent	65
partial disability within two years after a dismissal of the	66
application under the amendment to section 4123.57 of the Revised	67
Code by this act."	68
In line 3924, after " 741.20. " delete the balance of the line	69
In line 3925, delete "Code, division" and insert "Division";	70
delete "and"	71
Delete line 3926	72

In line 3927, delete "apply" and insert "applies" 73

Delete lines 3930 through 3956 74

In line 3981, delete "'707.'" or" 75

Delete lines 3983 through 3991 76

The motion was _____ agreed to.

SYNOPSIS

Workers' compensation changes 77

R.C. 1.481, 742.38, 2307.82, 2743.02, 2744.02, 4113.21, 78

4121.125, 4121.44, 4123.01, 4123.343, 4123.511, 4123.512, 79

4123.513, 4123.54, 4123.56, 4123.57, 4123.68, 4123.84, and 4125.07 80

and Sections 707.10, 741.10, 741.20, 741.30, 741.40, 741.50, 81

812.20, and 815.10 82

Reverts back to the As Introduced version of the bill by 83

making the following changes: 84

- Removing the bill's provision that decreased the amount of 85

time a person has to initiate a workers' compensation claim based 86

on an employee's injury or death to one year after the employee 87

sustains the injury or dies, from two years under current law; 88

- Removing the bill's prohibition against state agencies 89

adopting rules or taking other specified actions that would have a 90

substantive or procedural retrospective effect unless expressly 91

authorized by the General Assembly; 92

- Removing the bill's provisions related to the current law 93

presumption that a firefighter's cancer was incurred while 94

performing official firefighter duties; 95

- Removing the bill's provisions that relate to illegal and unauthorized aliens, including the bill's prohibition against illegal and unauthorized aliens receiving compensation and certain benefits; 96-99

- Removing the bill's prohibition against a public employer requiring an employee, prospective employee, or applicant for employment to pay the cost of a medical examination required by the public employer as a condition of employment or continued employment; 100-104

- Removing the bill's requirement that the Administrator of Workers' Compensation develop and periodically revise standards for maintaining adequate numbers of certified health care providers for services used by claimants; 105-108

- Removing the bill's revisions to the current law parameters concerning required actuarial reports; 109-110

- Eliminating current law testing for barbiturates, benzodiazepines, and methadone for purposes of continuing law's rebuttable presumption regarding drug testing; 111-113

- With respect to the bill's provision related to the minimum compensation for temporary total disability (TTD) claims, requiring the initial TTD compensation to be the minimum amount calculable under the Workers' Compensation Law rather than 33 1/3% of the statewide average weekly wage as under the bill, and using a claimant's full or average weekly wage rather than only the full weekly wage to determine whether the initial TTD compensation amount results in any necessary subsequent payment adjustments; 114-121

- With respect to the bill's provision requiring the dismissal of permanent partial disability (PPD) applications without the required medical examination, doing all of the 122-124

following: 125

- Removing the proposed requirement that the Administrator 126
 adopt rules addressing the way an employee is to be notified of a 127
 possible dismissal and how the employee may refile an application; 128
- Applying the dismissal requirement to all pending claims 129
 and those filed on or after the provision's effective date rather 130
 than only to applications filed on or after the provision's 131
 effective date; 132
- Allowing all applications pending on the provision's 133
 effective date that are dismissed to be refiled within two years 134
 after the dismissal; 135
- Removing the bill's proposed authority for an employee to 136
 refile a dismissed claim subject to the Industrial Commission's 137
 continuing jurisdiction; 138
- Removing the bill's provision that allowed the 139
 Administrator, to dismiss certain PPD applications that have been 140
 suspended for refusing to submit to or obstructing a medical or 141
 vocational exam under continuing law on the provision's effective 142
 date if certain procedures are followed. 143
- Removing the bill's requirement that the Administrator 144
 adopt a rule allowing an employer who settles a claim to 145
 participate in the Handicap Reimbursement Program, which is 146
 prohibited under current law; 147
- Removing the bill's proposed increase of the amount of 148
 attorney's fees a workers' compensation claimant can recover in an 149
 appeal to a court of common pleas from \$4,200, as under current 150
 law, to \$5,000. 151
- Removing the bill's provision that extended the time to 152
 appeal an Industrial Commission order from 60 to 150 days if the 153

claimant or employer has filed a notice of intent to settle the	154
claim and removes provisions related to that extension;	155
- Removing the bill's provision that extended from 14 to 30	156
days the amount of time in which the following must occur:	157
-- That a professional employer organization (PEO) submit a	158
lease termination notice form to the Administrator and to each	159
client employer of the PEO;	160
-- That a self-insuring PEO submit to the Administrator	161
information needed to develop an experience modification factor	162
for employers subject to a PEO lease termination.	163