



State Representatives Tom Brinkman Sponsor Testimony- HB 676

Chairman Hillyer, Vice Chair Grendell, Ranking Member Galonski, and members of the House Civil Justice Committee. Thank you for the opportunity to discuss House Bill 676. This legislation will lengthen the time a worker has to survive a total debilitating injury to receive both total disability and death payments through the Bureau of Workers Compensation.

Moorehead v. Industrial Commission, brought this issue to my attention. Mr. Moorehead suffered a traumatic fall and passed away after the health workers kept him alive for 90 minutes as a quadriplegic without ever regaining consciousness. Because of Ohio Revised code 4123.57(B) doesn't specify the required time of survival, his surviving wife was awarded both scheduled loss benefit payments and death payments. Post-lump sum settlements of disability and scheduled loss of use awards have the potential to be substantial as demonstrated in *Moorehead*, could have the potential to be as large as 850 weeks of compensation.

This legislation includes language that clarifies that all initial and subsequent permanent partial disability awards will be paid in weekly installments and not subject to lump sum payment. By requiring weekly payments and precluding lump sum payments, an injured worker, surviving spouse, or dependents are barred from obtaining a lump sum payment of weekly payments prior to the injured worker's death so that the surviving spouse or dependents can receive the otherwise un-accrued payments through a lump sum payment as an asset of the deceased injured worker's estate. This change will benefit small business by ensuring that payments for permanent partial disability awards are paid weekly and eliminating the potential for large lump sum settlement payments for permanent partial disability awards, specifically in the event of an injured worker's death prior to the full payment of weekly benefits

When a worker is injured and suffers permanent disability or disfigurement as a result of an injury, or when a worker is killed on the job, there are benefits in place to help the victims' family and dependents. Employees are a business's most valuable resource and that is why safety is paramount for the vast majority of employers. However, certain injury and death claims have put many small companies out of business. Thus, this legislation seeks to find a better middle ground so that businesses are better able to handle the costs associated with workplace injuries and deaths while also making sure injured workers and their families are adequately compensated for lost lives, abilities, and income.

Thank you again for your time. I would be glad to answer any questions you may have.