

_____ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections"; 1
after "4123.01" insert ", 4123.56, and 4123.64" 2

In line 2 of the title, delete "and" and insert "for" 3

In line 3 of the title, after "home" insert "and other changes to 4
the Workers' Compensation Law" 5

In line 4, delete "section" and insert "sections"; after "4123.01" 6
insert ", 4123.56, and 4123.64" 7

After line 355, insert: 8

"**Sec. 4123.56.** (A) Except as provided in division (D) of 9
this section, in the case of temporary disability, an employee 10
shall receive sixty-six and two-thirds per cent of the 11
employee's average weekly wage so long as such disability is 12
total, not to exceed a maximum amount of weekly compensation 13
which is equal to the statewide average weekly wage as defined 14
in division (C) of section 4123.62 of the Revised Code, and not 15
less than a minimum amount of compensation which is equal to 16
thirty-three and one-third per cent of the statewide average 17



weekly wage as defined in division (C) of section 4123.62 of the Revised Code unless the employee's wage is less than thirty-three and one-third per cent of the minimum statewide average weekly wage, in which event the employee shall receive compensation equal to the employee's full wages; provided that for the first twelve weeks of total disability the employee shall receive seventy-two per cent of the employee's full weekly wage, but not to exceed a maximum amount of weekly compensation which is equal to the lesser of the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code or one hundred per cent of the employee's net take-home weekly wage. In the case of a self-insuring employer, payments shall be for a duration based upon the medical reports of the attending physician. If the employer disputes the attending physician's report, payments may be terminated only upon application and hearing by a district hearing officer pursuant to division (C) of section 4123.511 of the Revised Code. Payments shall continue pending the determination of the matter, however payment shall not be made for the period when any employee has returned to work, when an employee's treating physician has made a written statement that the employee is capable of returning to the employee's former position of employment, when work within the physical capabilities of the employee is made available by the employer or another employer, or when the employee has reached the maximum medical improvement. Where the employee is capable of work activity, but the employee's employer is unable to offer the employee any employment, the employee shall register with the director of job and family services, who shall assist the employee in finding suitable employment. The termination of temporary total disability, whether by order or otherwise, does not preclude the

commencement of temporary total disability at another point in 49
time if the employee again becomes temporarily totally disabled. 50

After two hundred weeks of temporary total disability 51
benefits, the ~~medical section of the~~ bureau of workers' 52
compensation ~~shall~~ may schedule the claimant for an examination 53
for an evaluation to determine whether or not the temporary 54
disability has become permanent. A self-insuring employer shall 55
notify the bureau immediately after payment of two hundred weeks 56
of temporary total disability ~~and~~. The self-insuring employer 57
may request that the bureau schedule the claimant for such an 58
examination to determine whether the temporary disability has 59
become permanent. 60

When the employee is awarded compensation for temporary 61
total disability for a period for which the employee has 62
received benefits under Chapter 4141. of the Revised Code, the 63
bureau shall pay an amount equal to the amount received from the 64
award to the director of job and family services and the 65
director shall credit the amount to the accounts of the 66
employers to whose accounts the payment of benefits was charged 67
or is chargeable to the extent it was charged or is chargeable. 68

If any compensation under this section has been paid for 69
the same period or periods for which temporary nonoccupational 70
accident and sickness insurance is or has been paid pursuant to 71
an insurance policy or program to which the employer has made 72
the entire contribution or payment for providing insurance or 73
under a nonoccupational accident and sickness program fully 74
funded by the employer, except as otherwise provided in this 75
division compensation paid under this section for the period or 76
periods shall be paid only to the extent by which the payment or 77
payments exceeds the amount of the nonoccupational insurance or 78

program paid or payable. Offset of the compensation shall be 79
made only upon the prior order of the bureau or industrial 80
commission or agreement of the claimant. If an employer provides 81
supplemental sick leave benefits in addition to temporary total 82
disability compensation paid under this section, and if the 83
employer and an employee agree in writing to the payment of the 84
supplemental sick leave benefits, temporary total disability 85
benefits may be paid without an offset for those supplemental 86
sick leave benefits. 87

As used in this division, "net take-home weekly wage" 88
means the amount obtained by dividing an employee's total 89
remuneration, as defined in section 4141.01 of the Revised Code, 90
paid to or earned by the employee during the first four of the 91
last five completed calendar quarters which immediately precede 92
the first day of the employee's entitlement to benefits under 93
this division, by the number of weeks during which the employee 94
was paid or earned remuneration during those four quarters, less 95
the amount of local, state, and federal income taxes deducted 96
for each such week. 97

(B) (1) If an employee in a claim allowed under this 98
chapter suffers a wage loss as a result of returning to 99
employment other than the employee's former position of 100
employment due to an injury or occupational disease, the 101
employee shall receive compensation at sixty-six and two-thirds 102
per cent of the difference between the employee's average weekly 103
wage and the employee's present earnings not to exceed the 104
statewide average weekly wage. The payments may continue for up 105
to a maximum of two hundred weeks, but the payments shall be 106
reduced by the corresponding number of weeks in which the 107
employee receives payments pursuant to division (A) (2) of 108
section 4121.67 of the Revised Code. 109

(2) If an employee in a claim allowed under this chapter 110
suffers a wage loss as a result of being unable to find 111
employment consistent with the employee's disability resulting 112
from the employee's injury or occupational disease, the employee 113
shall receive compensation at sixty-six and two-thirds per cent 114
of the difference between the employee's average weekly wage and 115
the employee's present earnings, not to exceed the statewide 116
average weekly wage. The payments may continue for up to a 117
maximum of fifty-two weeks. The first twenty-six weeks of 118
payments under division (B) (2) of this section shall be in 119
addition to the maximum of two hundred weeks of payments allowed 120
under division (B) (1) of this section. If an employee in a claim 121
allowed under this chapter receives compensation under division 122
(B) (2) of this section in excess of twenty-six weeks, the number 123
of weeks of compensation allowable under division (B) (1) of this 124
section shall be reduced by the corresponding number of weeks in 125
excess of twenty-six, and up to fifty-two, that is allowable 126
under division (B) (1) of this section. 127

(3) The number of weeks of wage loss payable to an 128
employee under divisions (B) (1) and (2) of this section shall 129
not exceed two hundred and twenty-six weeks in the aggregate. 130

(C) In the event an employee of a professional sports 131
franchise domiciled in this state is disabled as the result of 132
an injury or occupational disease, the total amount of payments 133
made under a contract of hire or collective bargaining agreement 134
to the employee during a period of disability is deemed an 135
advanced payment of compensation payable under sections 4123.56 136
to 4123.58 of the Revised Code. The employer shall be reimbursed 137
the total amount of the advanced payments out of any award of 138
compensation made pursuant to sections 4123.56 to 4123.58 of the 139
Revised Code. 140

(D) If an employee receives temporary total disability 141
benefits pursuant to division (A) of this section and social 142
security retirement benefits pursuant to the "Social Security 143
Act," the weekly benefit amount under division (A) of this 144
section shall not exceed sixty-six and two-thirds per cent of 145
the statewide average weekly wage as defined in division (C) of 146
section 4123.62 of the Revised Code. 147

(E) If an employee is eligible for compensation under 148
division (A) of this section, but the employee's full weekly 149
wage has not been determined at the time payments are to 150
commence under division (H) of section 4123.511 of the Revised 151
Code, the employee shall receive thirty-three and one-third per 152
cent of the statewide average weekly wage as defined in division 153
(C) of section 4123.62 of the Revised Code. On determination of 154
the employee's full weekly wage, the compensation an employee 155
receives shall be adjusted pursuant to division (A) of this 156
section. 157

If the amount of compensation an employee receives under 158
this division is greater than the adjusted amount the employee 159
receives under division (A) of this section that is based on the 160
employee's full weekly wage, the excess amount shall be 161
recovered in the manner provided in division (K) of section 162
4123.511 of the Revised Code. If the amount of compensation an 163
employee receives under this division is less than the adjusted 164
amount the employee receives under that division that is based 165
on the employee's full weekly wage, the employee shall receive 166
the difference between those two amounts. 167

(F) If an employee is unable to work or suffers a wage 168
loss as the direct result of an impairment arising from an 169
injury or occupational disease, the employee is entitled to 170

receive compensation under this section, provided the employee 171
is otherwise qualified. If an employee is not working or has 172
suffered a wage loss as the direct result of reasons unrelated 173
to the allowed injury or occupational disease, the employee is 174
not eligible to receive compensation under this section. It is 175
the intent of the general assembly to supersede any previous 176
judicial decision that applied the doctrine of voluntary 177
abandonment to a claim brought under this section. 178

Sec. 4123.64. (A) The administrator of workers' 179
compensation, under special circumstances, and when the same is 180
deemed advisable for the purpose of rendering the injured or 181
disabled employee financial relief or for the purpose of 182
furthering ~~his~~the injured or disabled employee's rehabilitation, 183
may commute payments of compensation or benefits to one or more 184
lump-sum payments. 185

(B) The administrator shall adopt rules which set forth 186
the policy for awarding lump sum payments. The rules shall: 187

(1) Enumerate the allowable purposes for payments and the 188
conditions for making such awards; 189

(2) Enumerate the maximum reduction in compensation 190
allowable; 191

(3) Enumerate the documentation necessary to award a lump- 192
sum payment; 193

(4) Require that all checks include the claimant as a 194
payee, except where the check is for the payment of attorney's 195
fees in accordance with section 4123.06 of the Revised Code, in 196
which case the attorney shall be named as the only payee on the 197
check; 198

(5) Require a fully completed and current application— including notary and seal ; and	199 200
(6) Specify procedures to make a claimant aware of the reduction in amount of compensation which will occur.	201 202
(C) An order of the administrator issued under this section is appealable pursuant to section 4123.511 of the Revised Code but is not appealable to court under section 4123.512 of the Revised Code."	203 204 205 206
In line 356, delete "section" and insert "sections"; after "4123.01" insert ", 4123.56, and 4123.64"	207 208
In line 357, delete "is" and insert "are"	209

The motion was _____ agreed to.

<u>SYNOPSIS</u>	210
Lump sum payments; medical examinations	211
R.C. 4123.56 and 4123.64	212
Allows, rather than requires as under current law, the Bureau of Workers' Compensation (BWC) to schedule a recipient of temporary total disability (TTD) compensation for a medical examination after 200 weeks to evaluate whether the disability is permanent.	213 214 215 216 217
Allows, rather than requires as under current law, a self- insuring employer to request that BWC schedule an examination described above when the self-insuring employer's employee has received 200 weeks of TTD.	218 219 220 221

Eliminates the requirement that an application for a lump	222
sum payment under the Workers' Compensation Law be notarized.	223