



**State Representative Brian Lampton
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**HB 447 – Sponsor Testimony
Senate Insurance Committee
16 March 2022**

Chair Hackett, Vice Chair Romanchuk, Ranking Member Craig, and members of the Senate Insurance Committee, thank you for the opportunity to testify on House Bill 447. This bill would prevent frivolous workers' compensation claims from employees who sustain non-work related injuries while working from home. As many of us know, COVID-19 caused a large disruption in our work force. For some, the "new normal" is working either partly or entirely from their primary residence. This has created a situation that puts our workers' compensation system at a high risk for frivolous claims. To prevent this, the Ohio General Assembly must act to codify a system that can determine which at-home injuries were caused by factors outside of the employer's control. As we all know, employers cannot mitigate risk in an employee's home the same way they can mitigate risk in the employer provided workspace. Employers are 100% responsible for paying workers' compensation premiums, and a single claim can substantially increase an employer's premium rate.

Currently, our state fails to differentiate injuries sustained by at-home employees that are within the employer's control from injuries sustained by at-home employees that are outside of the employer's control. The purpose of this bill is not to prevent work-from-home employees from claiming workers' compensation. Instead, the purpose of this bill is to establish criteria to determine which injuries sustained by work-from-home employees are due to their employment and within the employer's control.

Under this bill, work-from-home employees, who sustain an injury while working, qualify for workers' compensation if the employee meets these three criteria:

1. The employee's injury or disability arises out of the employee's employment.
2. The employee's injury or disability was caused by a special hazard of the employee's employment activity.
3. The employee's injury or disability is sustained in the course of an activity undertaken by the employee for the exclusive benefit of the employer.

For example, this bill would not prevent an at-home employee from claiming workers' compensation for injuries such as carpal tunnel, as long as it was sustained due to his or her work. However, this bill would prevent at-home employees from claiming workers' compensation for injuries sustained outside of the employer's control. One example of this could be if an at-home employee were to fall on a freshly mopped floor while on the clock. Obviously, the employer cannot control the environment of the employee's home; therefore, they should not be responsible for injuries sustained due to these at-home environments. This is important to keep in mind when considering that workers' compensation insurance provides lifetime benefits when an employee becomes permanently disabled.

An amendment was added to this bill in the House Insurance Committee. The amendment further updates Ohio's Workers' Compensation Law and was requested by the BWC.

First, it eliminated the requirement an application for a lump sum payment under the Workers' Compensation Law be notarized. This notary requirement is currently an administrative burden and unnecessary.

Second, it allowed, rather than required, the BWC to schedule a recipient of total temporary disability compensation for a medical examination after 200 weeks to evaluate whether the disability is permanent. It also allowed a self-insuring employer to request that the BWC schedule a similar exam when their employee has received 200 weeks of total temporary disability. This amendment modernizes the Ohio Revised Code since the BWC already does a temporary total 90-day exam, so the 200-week exam is unnecessary.

HB 447 passed the House of Representatives unanimously and received no opponents in the House Insurance Committee.

Chair Hackett, Vice Chair Romanchuk, Ranking Member Craig, and members of the Senate Insurance Committee, thank you again for the opportunity to testify on HB 447. I am happy to answer any questions the committee may have.