

**As Reported by the House Insurance Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Am. H. B. No. 447**

**Representative Lampton**

**Cosponsors: Representatives Merrin, Cross, Riedel, Carfagna**

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**A BILL**

To amend sections 4123.01, 4123.56, and 4123.64 of 1  
the Revised Code regarding workers' compensation 2  
for employees who work from home and other 3  
changes to the Workers' Compensation Law. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4123.01, 4123.56, and 4123.64 of 5  
the Revised Code be amended to read as follows: 6

**Sec. 4123.01.** As used in this chapter: 7

(A) (1) "Employee" means: 8

(a) Every person in the service of the state, or of any 9  
county, municipal corporation, township, or school district 10  
therein, including regular members of lawfully constituted 11  
police and fire departments of municipal corporations and 12  
townships, whether paid or volunteer, and wherever serving 13  
within the state or on temporary assignment outside thereof, and 14  
executive officers of boards of education, under any appointment 15  
or contract of hire, express or implied, oral or written, 16  
including any elected official of the state, or of any county, 17  
municipal corporation, or township, or members of boards of 18

education. 19

As used in division (A) (1) (a) of this section, the term 20  
"employee" includes the following persons when responding to an 21  
inherently dangerous situation that calls for an immediate 22  
response on the part of the person, regardless of whether the 23  
person is within the limits of the jurisdiction of the person's 24  
regular employment or voluntary service when responding, on the 25  
condition that the person responds to the situation as the 26  
person otherwise would if the person were on duty in the 27  
person's jurisdiction: 28

(i) Off-duty peace officers. As used in division (A) (1) (a) 29  
(i) of this section, "peace officer" has the same meaning as in 30  
section 2935.01 of the Revised Code. 31

(ii) Off-duty firefighters, whether paid or volunteer, of 32  
a lawfully constituted fire department. 33

(iii) Off-duty first responders, emergency medical 34  
technicians-basic, emergency medical technicians-intermediate, 35  
or emergency medical technicians-paramedic, whether paid or 36  
volunteer, of an ambulance service organization or emergency 37  
medical service organization pursuant to Chapter 4765. of the 38  
Revised Code. 39

(b) Every person in the service of any person, firm, or 40  
private corporation, including any public service corporation, 41  
that (i) employs one or more persons regularly in the same 42  
business or in or about the same establishment under any 43  
contract of hire, express or implied, oral or written, including 44  
aliens and minors, household workers who earn one hundred sixty 45  
dollars or more in cash in any calendar quarter from a single 46  
household and casual workers who earn one hundred sixty dollars 47

or more in cash in any calendar quarter from a single employer, 48  
or (ii) is bound by any such contract of hire or by any other 49  
written contract, to pay into the state insurance fund the 50  
premiums provided by this chapter. 51

(c) Every person who performs labor or provides services 52  
pursuant to a construction contract, as defined in section 53  
4123.79 of the Revised Code, if at least ten of the following 54  
criteria apply: 55

(i) The person is required to comply with instructions 56  
from the other contracting party regarding the manner or method 57  
of performing services; 58

(ii) The person is required by the other contracting party 59  
to have particular training; 60

(iii) The person's services are integrated into the 61  
regular functioning of the other contracting party; 62

(iv) The person is required to perform the work 63  
personally; 64

(v) The person is hired, supervised, or paid by the other 65  
contracting party; 66

(vi) A continuing relationship exists between the person 67  
and the other contracting party that contemplates continuing or 68  
recurring work even if the work is not full time; 69

(vii) The person's hours of work are established by the 70  
other contracting party; 71

(viii) The person is required to devote full time to the 72  
business of the other contracting party; 73

(ix) The person is required to perform the work on the 74

premises of the other contracting party;	75
(x) The person is required to follow the order of work set by the other contracting party;	76 77
(xi) The person is required to make oral or written reports of progress to the other contracting party;	78 79
(xii) The person is paid for services on a regular basis such as hourly, weekly, or monthly;	80 81
(xiii) The person's expenses are paid for by the other contracting party;	82 83
(xiv) The person's tools and materials are furnished by the other contracting party;	84 85
(xv) The person is provided with the facilities used to perform services;	86 87
(xvi) The person does not realize a profit or suffer a loss as a result of the services provided;	88 89
(xvii) The person is not performing services for a number of employers at the same time;	90 91
(xviii) The person does not make the same services available to the general public;	92 93
(xix) The other contracting party has a right to discharge the person;	94 95
(xx) The person has the right to end the relationship with the other contracting party without incurring liability pursuant to an employment contract or agreement.	96 97 98
Every person in the service of any independent contractor or subcontractor who has failed to pay into the state insurance fund the amount of premium determined and fixed by the	99 100 101

administrator of workers' compensation for the person's 102  
employment or occupation or who is a self-insuring employer and 103  
who has failed to pay compensation and benefits directly to the 104  
employer's injured and to the dependents of the employer's 105  
killed employees as required by section 4123.35 of the Revised 106  
Code, shall be considered as the employee of the person who has 107  
entered into a contract, whether written or verbal, with such 108  
independent contractor unless such employees or their legal 109  
representatives or beneficiaries elect, after injury or death, 110  
to regard such independent contractor as the employer. 111

(d) Every person who operates a vehicle or vessel in the 112  
performance of services for or on behalf of a motor carrier 113  
transporting property, unless all of the following factors apply 114  
to the person: 115

(i) The person owns the vehicle or vessel that is used in 116  
performing the services for or on behalf of the carrier, or the 117  
person leases the vehicle or vessel under a bona fide lease 118  
agreement that is not a temporary replacement lease agreement. 119  
For purposes of this division, a bona fide lease agreement does 120  
not include an agreement between the person and the motor 121  
carrier transporting property for which, or on whose behalf, the 122  
person provides services. 123

(ii) The person is responsible for supplying the necessary 124  
personal services to operate the vehicle or vessel used to 125  
provide the service. 126

(iii) The compensation paid to the person is based on 127  
factors related to work performed, including on a mileage-based 128  
rate or a percentage of any schedule of rates, and not solely on 129  
the basis of the hours or time expended. 130

(iv) The person substantially controls the means and manner of performing the services, in conformance with regulatory requirements and specifications of the shipper.

(v) The person enters into a written contract with the carrier for whom the person is performing the services that describes the relationship between the person and the carrier to be that of an independent contractor and not that of an employee.

(vi) The person is responsible for substantially all of the principal operating costs of the vehicle or vessel and equipment used to provide the services, including maintenance, fuel, repairs, supplies, vehicle or vessel insurance, and personal expenses, except that the person may be paid by the carrier the carrier's fuel surcharge and incidental costs, including tolls, permits, and lumper fees.

(vii) The person is responsible for any economic loss or economic gain from the arrangement with the carrier.

(2) "Employee" does not mean any of the following:

(a) A duly ordained, commissioned, or licensed minister or assistant or associate minister of a church in the exercise of ministry;

(b) Any officer of a family farm corporation;

(c) An individual incorporated as a corporation;

(d) An officer of a nonprofit corporation, as defined in section 1702.01 of the Revised Code, who volunteers the person's services as an officer;

(e) An individual who otherwise is an employee of an employer but who signs the waiver and affidavit specified in

section 4123.15 of the Revised Code on the condition that the 159  
administrator has granted a waiver and exception to the 160  
individual's employer under section 4123.15 of the Revised Code; 161

(f) (i) A qualifying employee described in division (A) (14) 162  
(a) of section 5703.94 of the Revised Code when the qualifying 163  
employee is performing disaster work in this state during a 164  
disaster response period pursuant to a qualifying solicitation 165  
received by the employee's employer; 166

(ii) A qualifying employee described in division (A) (14) 167  
(b) of section 5703.94 of the Revised Code when the qualifying 168  
employee is performing disaster work in this state during a 169  
disaster response period on critical infrastructure owned or 170  
used by the employee's employer; 171

(iii) As used in division (A) (2) (f) of this section, 172  
"critical infrastructure," "disaster response period," "disaster 173  
work," and "qualifying employee" have the same meanings as in 174  
section 5703.94 of the Revised Code. 175

Any employer may elect to include as an "employee" within 176  
this chapter, any person excluded from the definition of 177  
"employee" pursuant to division (A) (1) (d) or (A) (2) (a), (b), 178  
(c), or (e) of this section in accordance with rules adopted by 179  
the administrator, with the advice and consent of the bureau of 180  
workers' compensation board of directors. If an employer is a 181  
partnership, sole proprietorship, individual incorporated as a 182  
corporation, or family farm corporation, such employer may elect 183  
to include as an "employee" within this chapter, any member of 184  
such partnership, the owner of the sole proprietorship, the 185  
individual incorporated as a corporation, or the officers of the 186  
family farm corporation. Nothing in this section shall prohibit 187  
a partner, sole proprietor, or any person excluded from the 188

definition of "employee" pursuant to division (A)(2)(a), (b), 189  
(c), or (e) of this section from electing to be included as an 190  
"employee" under this chapter in accordance with rules adopted 191  
by the administrator, with the advice and consent of the board. 192

In the event of an election, the employer or person 193  
electing coverage shall serve upon the bureau of workers' 194  
compensation written notice naming the person to be covered and 195  
include the person's remuneration for premium purposes in all 196  
future payroll reports. No partner, sole proprietor, or person 197  
excluded from the definition of "employee" pursuant to division 198  
(A)(1)(d) or (A)(2)(a), (b), (c), or (e) of this section, shall 199  
receive benefits or compensation under this chapter until the 200  
bureau receives written notice of the election permitted by this 201  
section. 202

For informational purposes only, the bureau shall 203  
prescribe such language as it considers appropriate, on such of 204  
its forms as it considers appropriate, to advise employers of 205  
their right to elect to include as an "employee" within this 206  
chapter a sole proprietor, any member of a partnership, or a 207  
person excluded from the definition of "employee" under division 208  
(A)(1)(d) or (A)(2)(a), (b), (c), or (e) of this section, that 209  
they should check any health and disability insurance policy, or 210  
other form of health and disability plan or contract, presently 211  
covering them, or the purchase of which they may be considering, 212  
to determine whether such policy, plan, or contract excludes 213  
benefits for illness or injury that they might have elected to 214  
have covered by workers' compensation. 215

(B)(1) "Employer" means: 216

(a) The state, including state hospitals, each county, 217  
municipal corporation, township, school district, and hospital 218

owned by a political subdivision or subdivisions other than the 219  
state; 220

(b) Every person, firm, professional employer 221  
organization, alternate employer organization, and private 222  
corporation, including any public service corporation, that (i) 223  
has in service one or more employees or shared employees 224  
regularly in the same business or in or about the same 225  
establishment under any contract of hire, express or implied, 226  
oral or written, or (ii) is bound by any such contract of hire 227  
or by any other written contract, to pay into the insurance fund 228  
the premiums provided by this chapter. 229

All such employers are subject to this chapter. Any member 230  
of a firm or association, who regularly performs manual labor in 231  
or about a mine, factory, or other establishment, including a 232  
household establishment, shall be considered an employee in 233  
determining whether such person, firm, or private corporation, 234  
or public service corporation, has in its service, one or more 235  
employees and the employer shall report the income derived from 236  
such labor to the bureau as part of the payroll of such 237  
employer, and such member shall thereupon be entitled to all the 238  
benefits of an employee. 239

(2) "Employer" does not include a franchisor with respect 240  
to the franchisor's relationship with a franchisee or an 241  
employee of a franchisee, unless the franchisor agrees to assume 242  
that role in writing or a court of competent jurisdiction 243  
determines that the franchisor exercises a type or degree of 244  
control over the franchisee or the franchisee's employees that 245  
is not customarily exercised by a franchisor for the purpose of 246  
protecting the franchisor's trademark, brand, or both. For 247  
purposes of this division, "franchisor" and "franchisee" have 248

the same meanings as in 16 C.F.R. 436.1.	249
(C) "Injury" includes any injury, whether caused by	250
external accidental means or accidental in character and result,	251
received in the course of, and arising out of, the injured	252
employee's employment. "Injury" does not include:	253
(1) Psychiatric conditions except where the claimant's	254
psychiatric conditions have arisen from an injury or	255
occupational disease sustained by that claimant or where the	256
claimant's psychiatric conditions have arisen from sexual	257
conduct in which the claimant was forced by threat of physical	258
harm to engage or participate;	259
(2) Injury or disability caused primarily by the natural	260
deterioration of tissue, an organ, or part of the body;	261
(3) Injury or disability incurred in voluntary	262
participation in an employer-sponsored recreation or fitness	263
activity if the employee signs a waiver of the employee's right	264
to compensation or benefits under this chapter prior to engaging	265
in the recreation or fitness activity;	266
(4) <u>Injury or disability sustained by an employee who</u>	267
<u>performs the employee's duties in a work area that is located</u>	268
<u>within the employee's home and that is separate and distinct</u>	269
<u>from the location of the employer, unless all of the following</u>	270
<u>apply:</u>	271
(a) <u>The employee's injury or disability arises out of the</u>	272
<u>employee's employment.</u>	273
(b) <u>The employee's injury or disability was caused by a</u>	274
<u>special hazard of the employee's employment activity.</u>	275
(c) <u>The employee's injury or disability is sustained in</u>	276

the course of an activity undertaken by the employee for the 277  
exclusive benefit of the employer. 278

(5) A condition that pre-existed an injury unless that 279  
pre-existing condition is substantially aggravated by the 280  
injury. Such a substantial aggravation must be documented by 281  
objective diagnostic findings, objective clinical findings, or 282  
objective test results. Subjective complaints may be evidence of 283  
such a substantial aggravation. However, subjective complaints 284  
without objective diagnostic findings, objective clinical 285  
findings, or objective test results are insufficient to 286  
substantiate a substantial aggravation. 287

(D) "Child" includes a posthumous child and a child 288  
legally adopted prior to the injury. 289

(E) "Family farm corporation" means a corporation founded 290  
for the purpose of farming agricultural land in which the 291  
majority of the voting stock is held by and the majority of the 292  
stockholders are persons or the spouse of persons related to 293  
each other within the fourth degree of kinship, according to the 294  
rules of the civil law, and at least one of the related persons 295  
is residing on or actively operating the farm, and none of whose 296  
stockholders are a corporation. A family farm corporation does 297  
not cease to qualify under this division where, by reason of any 298  
devise, bequest, or the operation of the laws of descent or 299  
distribution, the ownership of shares of voting stock is 300  
transferred to another person, as long as that person is within 301  
the degree of kinship stipulated in this division. 302

(F) "Occupational disease" means a disease contracted in 303  
the course of employment, which by its causes and the 304  
characteristics of its manifestation or the condition of the 305  
employment results in a hazard which distinguishes the 306

employment in character from employment generally, and the 307  
employment creates a risk of contracting the disease in greater 308  
degree and in a different manner from the public in general. 309

(G) "Self-insuring employer" means an employer who is 310  
granted the privilege of paying compensation and benefits 311  
directly under section 4123.35 of the Revised Code, including a 312  
board of county commissioners for the sole purpose of 313  
constructing a sports facility as defined in section 307.696 of 314  
the Revised Code, provided that the electors of the county in 315  
which the sports facility is to be built have approved 316  
construction of a sports facility by ballot election no later 317  
than November 6, 1997. 318

(H) "Private employer" means an employer as defined in 319  
division (B) (1) (b) of this section. 320

(I) "Professional employer organization" has the same 321  
meaning as in section 4125.01 of the Revised Code. 322

(J) "Public employer" means an employer as defined in 323  
division (B) (1) (a) of this section. 324

(K) "Sexual conduct" means vaginal intercourse between a 325  
male and female; anal intercourse, fellatio, and cunnilingus 326  
between persons regardless of gender; and, without privilege to 327  
do so, the insertion, however slight, of any part of the body or 328  
any instrument, apparatus, or other object into the vaginal or 329  
anal cavity of another. Penetration, however slight, is 330  
sufficient to complete vaginal or anal intercourse. 331

(L) "Other-states' insurer" means an insurance company 332  
that is authorized to provide workers' compensation insurance 333  
coverage in any of the states that permit employers to obtain 334  
insurance for workers' compensation claims through insurance 335

companies. 336

(M) "Other-states' coverage" means both of the following: 337

(1) Insurance coverage secured by an eligible employer for 338  
workers' compensation claims of employees who are in employment 339  
relationships localized in a state other than this state or 340  
those employees' dependents; 341

(2) Insurance coverage secured by an eligible employer for 342  
workers' compensation claims that arise in a state other than 343  
this state where an employer elects to obtain coverage through 344  
either the administrator or an other-states' insurer. 345

(N) "Limited other-states coverage" means insurance 346  
coverage provided by the administrator to an eligible employer 347  
for workers' compensation claims of employees who are in an 348  
employment relationship localized in this state but are 349  
temporarily working in a state other than this state, or those 350  
employees' dependents. 351

(O) "Motor carrier" has the same meaning as in section 352  
4923.01 of the Revised Code. 353

(P) "Alternate employer organization" has the same meaning 354  
as in section 4133.01 of the Revised Code. 355

**Sec. 4123.56.** (A) Except as provided in division (D) of 356  
this section, in the case of temporary disability, an employee 357  
shall receive sixty-six and two-thirds per cent of the 358  
employee's average weekly wage so long as such disability is 359  
total, not to exceed a maximum amount of weekly compensation 360  
which is equal to the statewide average weekly wage as defined 361  
in division (C) of section 4123.62 of the Revised Code, and not 362  
less than a minimum amount of compensation which is equal to 363  
thirty-three and one-third per cent of the statewide average 364

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

time if the employee again becomes temporarily totally disabled. 397

After two hundred weeks of temporary total disability 398  
benefits, the ~~medical section of the bureau of workers'~~ 399  
compensation ~~shall~~ may schedule the claimant for an examination 400  
for an evaluation to determine whether or not the temporary 401  
disability has become permanent. A self-insuring employer shall 402  
notify the bureau immediately after payment of two hundred weeks 403  
of temporary total disability ~~and~~. The self-insuring employer 404  
may request that the bureau schedule the claimant for ~~such an~~ 405  
examination to determine whether the temporary disability has 406  
become permanent. 407

When the employee is awarded compensation for temporary 408  
total disability for a period for which the employee has 409  
received benefits under Chapter 4141. of the Revised Code, the 410  
bureau shall pay an amount equal to the amount received from the 411  
award to the director of job and family services and the 412  
director shall credit the amount to the accounts of the 413  
employers to whose accounts the payment of benefits was charged 414  
or is chargeable to the extent it was charged or is chargeable. 415

If any compensation under this section has been paid for 416  
the same period or periods for which temporary nonoccupational 417  
accident and sickness insurance is or has been paid pursuant to 418  
an insurance policy or program to which the employer has made 419  
the entire contribution or payment for providing insurance or 420  
under a nonoccupational accident and sickness program fully 421  
funded by the employer, except as otherwise provided in this 422  
division compensation paid under this section for the period or 423  
periods shall be paid only to the extent by which the payment or 424  
payments exceeds the amount of the nonoccupational insurance or 425  
program paid or payable. Offset of the compensation shall be 426

made only upon the prior order of the bureau or industrial 427  
commission or agreement of the claimant. If an employer provides 428  
supplemental sick leave benefits in addition to temporary total 429  
disability compensation paid under this section, and if the 430  
employer and an employee agree in writing to the payment of the 431  
supplemental sick leave benefits, temporary total disability 432  
benefits may be paid without an offset for those supplemental 433  
sick leave benefits. 434

As used in this division, "net take-home weekly wage" 435  
means the amount obtained by dividing an employee's total 436  
remuneration, as defined in section 4141.01 of the Revised Code, 437  
paid to or earned by the employee during the first four of the 438  
last five completed calendar quarters which immediately precede 439  
the first day of the employee's entitlement to benefits under 440  
this division, by the number of weeks during which the employee 441  
was paid or earned remuneration during those four quarters, less 442  
the amount of local, state, and federal income taxes deducted 443  
for each such week. 444

(B) (1) If an employee in a claim allowed under this 445  
chapter suffers a wage loss as a result of returning to 446  
employment other than the employee's former position of 447  
employment due to an injury or occupational disease, the 448  
employee shall receive compensation at sixty-six and two-thirds 449  
per cent of the difference between the employee's average weekly 450  
wage and the employee's present earnings not to exceed the 451  
statewide average weekly wage. The payments may continue for up 452  
to a maximum of two hundred weeks, but the payments shall be 453  
reduced by the corresponding number of weeks in which the 454  
employee receives payments pursuant to division (A) (2) of 455  
section 4121.67 of the Revised Code. 456

(2) If an employee in a claim allowed under this chapter 457  
suffers a wage loss as a result of being unable to find 458  
employment consistent with the employee's disability resulting 459  
from the employee's injury or occupational disease, the employee 460  
shall receive compensation at sixty-six and two-thirds per cent 461  
of the difference between the employee's average weekly wage and 462  
the employee's present earnings, not to exceed the statewide 463  
average weekly wage. The payments may continue for up to a 464  
maximum of fifty-two weeks. The first twenty-six weeks of 465  
payments under division (B) (2) of this section shall be in 466  
addition to the maximum of two hundred weeks of payments allowed 467  
under division (B) (1) of this section. If an employee in a claim 468  
allowed under this chapter receives compensation under division 469  
(B) (2) of this section in excess of twenty-six weeks, the number 470  
of weeks of compensation allowable under division (B) (1) of this 471  
section shall be reduced by the corresponding number of weeks in 472  
excess of twenty-six, and up to fifty-two, that is allowable 473  
under division (B) (1) of this section. 474

(3) The number of weeks of wage loss payable to an 475  
employee under divisions (B) (1) and (2) of this section shall 476  
not exceed two hundred and twenty-six weeks in the aggregate. 477

(C) In the event an employee of a professional sports 478  
franchise domiciled in this state is disabled as the result of 479  
an injury or occupational disease, the total amount of payments 480  
made under a contract of hire or collective bargaining agreement 481  
to the employee during a period of disability is deemed an 482  
advanced payment of compensation payable under sections 4123.56 483  
to 4123.58 of the Revised Code. The employer shall be reimbursed 484  
the total amount of the advanced payments out of any award of 485  
compensation made pursuant to sections 4123.56 to 4123.58 of the 486  
Revised Code. 487

(D) If an employee receives temporary total disability 488  
benefits pursuant to division (A) of this section and social 489  
security retirement benefits pursuant to the "Social Security 490  
Act," the weekly benefit amount under division (A) of this 491  
section shall not exceed sixty-six and two-thirds per cent of 492  
the statewide average weekly wage as defined in division (C) of 493  
section 4123.62 of the Revised Code. 494

(E) If an employee is eligible for compensation under 495  
division (A) of this section, but the employee's full weekly 496  
wage has not been determined at the time payments are to 497  
commence under division (H) of section 4123.511 of the Revised 498  
Code, the employee shall receive thirty-three and one-third per 499  
cent of the statewide average weekly wage as defined in division 500  
(C) of section 4123.62 of the Revised Code. On determination of 501  
the employee's full weekly wage, the compensation an employee 502  
receives shall be adjusted pursuant to division (A) of this 503  
section. 504

If the amount of compensation an employee receives under 505  
this division is greater than the adjusted amount the employee 506  
receives under division (A) of this section that is based on the 507  
employee's full weekly wage, the excess amount shall be 508  
recovered in the manner provided in division (K) of section 509  
4123.511 of the Revised Code. If the amount of compensation an 510  
employee receives under this division is less than the adjusted 511  
amount the employee receives under that division that is based 512  
on the employee's full weekly wage, the employee shall receive 513  
the difference between those two amounts. 514

(F) If an employee is unable to work or suffers a wage 515  
loss as the direct result of an impairment arising from an 516  
injury or occupational disease, the employee is entitled to 517

receive compensation under this section, provided the employee 518  
is otherwise qualified. If an employee is not working or has 519  
suffered a wage loss as the direct result of reasons unrelated 520  
to the allowed injury or occupational disease, the employee is 521  
not eligible to receive compensation under this section. It is 522  
the intent of the general assembly to supersede any previous 523  
judicial decision that applied the doctrine of voluntary 524  
abandonment to a claim brought under this section. 525

**Sec. 4123.64.** (A) The administrator of workers' 526  
compensation, under special circumstances, and when the same is 527  
deemed advisable for the purpose of rendering the injured or 528  
disabled employee financial relief or for the purpose of 529  
furthering ~~his~~the injured or disabled employee's rehabilitation, 530  
may commute payments of compensation or benefits to one or more 531  
lump-sum payments. 532

(B) The administrator shall adopt rules which set forth 533  
the policy for awarding lump sum payments. The rules shall: 534

(1) Enumerate the allowable purposes for payments and the 535  
conditions for making such awards; 536

(2) Enumerate the maximum reduction in compensation 537  
allowable; 538

(3) Enumerate the documentation necessary to award a lump- 539  
sum payment; 540

(4) Require that all checks include the claimant as a 541  
payee, except where the check is for the payment of attorney's 542  
fees in accordance with section 4123.06 of the Revised Code, in 543  
which case the attorney shall be named as the only payee on the 544  
check; 545

(5) Require a fully completed and current application 546

<del>including notary and seal; and</del>	547
(6) Specify procedures to make a claimant aware of the	548
reduction in amount of compensation which will occur.	549
(C) An order of the administrator issued under this	550
section is appealable pursuant to section 4123.511 of the	551
Revised Code but is not appealable to court under section	552
4123.512 of the Revised Code.	553
<b>Section 2.</b> That existing sections 4123.01, 4123.56, and	554
4123.64 of the Revised Code are hereby repealed.	555