

Several Important Changes to Ohio Workers' Compensation Law Approved by Governor DeWine

By Corey Kleinhenz

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On June 16, 2020, Governor DeWine signed House Bill 81, which will bring several important changes to the Ohio Workers' Compensation System.

House Bill 81 creates several important changes to Ohio Workers' Compensation Law including:

1. Reduces the statute of limitations for filing an application for violation of specific safety requirement to one year from the date of injury or occupational disease. Prior to House Bill 81, the statute of limitations to file a VSSR application was two years;
2. Creates a statutorily recognized voluntary abandonment defense to temporary total disability claims which supersedes any pre-existing judicial decisions on the issue. The newly codified language in Ohio Revised Code 4123.56 provides: *"If an employee is not working or has suffered a wage loss as the direct result of reasons unrelated to the allowed injury or occupational disease, the employee is not eligible to receive compensation under this section"*;
3. Settlement of state fund claims can no longer be objected to by the state fund employer if both of the following apply: (a) the employee is no longer employed with the employer and (b) the claim is no longer within the date of impact for the employer's experience rating;
4. In certain circumstances, the time period extends from 60 days to 150 days for filing judicial level appeals under Ohio Revised Code 4123.512 for claims pending on or arising after September 29, 2017.
5. Increases the maximum amount of reimbursable funeral expenses in death claims from \$5,500 to \$7,500;
6. The Industrial Commission may now invoke continuing jurisdiction from within five years from the date medical services were provided or services rendered without further requirement that the medical services were paid under the claim.

What date do these new changes go into effect?

The above changes go into effect on September 14, 2020.

Recommendations to Employer's based on the new rules?

If an employee waits more than 1 year from the date of their injury or occupational disease to file their VSSR claim, such claim should be summarily rejected by the employer based upon a statute of limitations defense.

If an employee, or former employee, is requesting a new period of temporary total disability compensation, we recommend the employer review the last date the employee performed work for the employer. If the employee terminated their employment for reasons unrelated to their injury, or if the employee took a leave of absence from their employment for reasons unrelated their injury, and if the employee has not found any new employment at the time of their request for a new period of temporary total disability compensation, then the employee's request can most likely be successfully defended by the employer based on the newly codified statutory language found in R.C. 4123.56(F).

Who should I contact to discuss these new changes?

Should you have any questions regarding these new rules pertaining to Ohio Workers' Compensation claims, please do not hesitate to contact any of the listed Roetzel attorneys.

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