



**Am. H.B. 611**  
123rd General Assembly  
(As Passed by the General Assembly)

**Reps. Cates, Corbin, Williams, Buehrer, Trakas, Harris, Robinson, Young, Hood, Callender, Hartnett, Metzger, Amstutz, Vesper, Willamowski, Buchy, Jones, Sykes, Barrett, Redfern, Terwilleger, Hoops, Austria, Patton**

**Sens. Nein, Herington, Spada, Brady, Latta, White, Oelslager, Watts**

**Effective date: Emergency, June 14, 2000**

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**ACT SUMMARY**

- Requires the Administrator of Workers' Compensation and the Industrial Commission to jointly adopt rules governing the submission and sending of applications, notices, evidence, and other documents by electronic means.
- Allows photographs, microphotographs, microfilm, films, or other direct document retention media, when properly identified, to be received as evidence also in proceedings before the Industrial Commission, staff hearing officers, and district hearing officers as such media currently may be received by courts.
- Requires the method by which the date of notification regarding certain claims is established be adopted by rule instead of established under statute.

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**CONTENT AND OPERATION**

**Electronic communication**

The act requires the Administrator of Workers' Compensation and the Industrial Commission to jointly adopt rules governing the submission and sending of applications, notices, evidence, and other documents by electronic means. When a document is required to be in writing or requires a signature under the laws governing workers' compensation, under the act, the Administrator and the

Commission, to the extent of their respective jurisdictions, may approve of and provide for the electronic submission and sending of those documents, and the use of an electronic signature on those documents.

The act defines "electronic" to include electrical, digital, magnetic, optical, electromagnetic, facsimile, or any other form of technology that entails capabilities similar to these technologies. An "electronic record" is defined as a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. "Electronic signature" is defined in the act to mean a signature in electronic form attached to or logically associated with an electronic record. (Sec. 4121.31.)

### **Telephone communication**

Continuing law unchanged by the act establishes statutes of limitation relative to eligibility for workers' compensation benefits. Applicants or claimants must meet specified deadlines in order to establish or maintain eligibility. The deadlines are established based upon date of notification of specified information concerning the claim to the Commission or Bureau of Workers' Compensation, as appropriate.

Former law modified by the act permitted notification to be given either in writing or by telecommunication. When notice was via telecommunication, additional procedures were utilized to establish the date of notification. Giving notice by telecommunication could include the sending of documents by electronic means--for example, by "e-mail"--and it also included giving verbal notice by telephone.

The act substitutes "verbal notice over the telephone" for the existing references to "telecommunication" and specifies that written notice includes notice by facsimile. The effect is that the additional procedures utilized to establish the date of notification must continue to be utilized when notice is given verbally by telephone, but not when telecommunicated by other means; for example, when given via "e-mail" or facsimile. The rules governing electronic communication jointly adopted by the Administrator and the Commission under the act will govern when notice is telecommunicated by means other than verbally over the telephone (see "**Electronic communication**" above). (Secs. 4123.511 and 4123.84, and section 4123.85 (not in the act).)

### **Admissibility of evidence**

Under continuing law unchanged by the act, photographs, microphotographs, microfilm, films, or other direct document retention media, when properly identified, have the same effect as the original record and may be

offered in like manner and may be received as evidence in any court where the original record could have been introduced. The act adds that this type of evidence also may be received as evidence in proceedings before the Industrial Commission, staff hearing officers, and district hearing officers. (Sec. 4123.52.)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-16-00	p. 1682
Reported, H. Commerce & Labor	04-05-00	p. 1774
Passed House (97-0)	04-11-00	p. 1791
Reported, S. Insurance, Commerce & Labor	05-09-00	p. 1667
Passed Senate (33-0)	05-09-00	p. 1672
House agreed to concur in Senate amendments (95-0)	05-10-00	p. 1920

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