



## **H.B. 611**

123rd General Assembly  
(As Passed by the House)

**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**

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### **BILL 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 have the same effect as the original record and to be offered in a like manner and received as evidence in proceedings before the Industrial Commission, staff hearing officers, and district hearing officers.
- Requires the method by which the date of notification regarding certain claims is established be adopted by rule instead of established under statute.
- Declares an emergency.

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### **CONTENT AND OPERATION**

#### **Electronic communication**

The bill 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, 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 bill defines "electronic" to include electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. An "electronic record" is defined to mean 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 bill to mean a signature in electronic form attached to or logically associated with an electronic record. (Sec. 4121.31.)

### **Telephone communication**

Existing law 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. Existing law permits notification to be given either in writing or by telecommunication. When notice is via telecommunication, additional procedures are utilized to establish the date of notification.

Giving notice by telecommunication can include the sending of documents by electronic means--for example, by "e-mail"--and it also includes giving verbal notice by telephone. The bill substitutes "verbal notice over the telephone" for the existing references to "telecommunication." 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." The rules governing electronic communication jointly adopted by the Administrator and the Commission under the bill 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 bill).)

### **Admissibility of evidence**

Under current law, 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 bill 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

H0611-PH.123/jc

