



H.B. 611

123rd General Assembly

(As Reported by H. Commerce and Labor)

Reps. Cates, Corbin, Williams, Buehrer, Trakas, Harris, Robinson, Young, Hood

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.
- Declares an emergency.

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

Under current law, in addition to a formal claim filed by a claimant, a person other than the claimant may provide information on behalf of the claimant, in writing or by means of telecommunication, that establishes a claim.

The bill eliminates the term "telecommunication" and clarifies that the information a third party may provide that goes to the establishment of a claim by a claimant may be written information which, under the bill, includes electronically transmitted information as well as "telecommunicated" information previously contemplated by that language and information communicated verbally over the telephone. (Secs. 4123.511 and 4123.84(E).)

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.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-16-00	p. 1682
Reported, H. Commerce & Labor	04-05-00	p. 1774

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