

Four Potential Developments For Ohio Employers In The Workers' Compensation Budget Bill

May 31, 2017 | [Employment Lessons, Currents - Employment Law](#)

RELATED PRACTICE AREAS

Labor and Employment
Management and Employee Training
Workplace Counseling
Workplace Culture 2.0

RELATED TOPICS

budget
Bureau of Workers Compensation
Employment Law
Ohio
workers compensation claim

The Ohio House recently passed House Bill 27, which contains the Bureau of Workers' Compensation (BWC) two-year budget. While the budget bill now goes to the Senate, the following aspects of the bill are promising for Ohio employers:

1. Statute of Limitations Change

An injured worker currently needs to file a workers' compensation claim within two years of the injury date or forever be barred from pursuing said course. However, House Bill 27 requires filing within one year of the date of injury. Although most claims are filed within the first year anyway, this change would weed out older claims that can be difficult to prove or disprove.

Those claims that are currently filed after the one-year period require more work to obtain evidence: more medical records to track down, witness statements that aren't reliable due to the passage of time and turnover in employees who may have witnessed the injury.

2. Extension to File Ohio Industrial Commission Appeal

Another change includes extending the time from 60 days to 150 days to appeal an Industrial Commission order to Common Pleas Court. This extension occurs only if a party provides notice of intent to settle the claim and the opposing party doesn't object. In Ohio, many claims are filed in court for the sole purpose of settlement. This extension allows parties additional time to work out a settlement and avoid unnecessary costs and congestion in the Ohio courts.

3. Drug Testing at Time of Injury

The new bill revises the types and amounts of controlled substances that will result in a rebuttable presumption that an employee was under the influence at the time of injury. If under the influence, an employee may have difficulty obtaining benefits under the workers' compensation claim.

4. Permanent Partial Disability Application Dismissals

Currently, when an injured worker files an application for a permanent partial disability award but fails to attend the necessary medical examination scheduled by the BWC, the BWC suspends the application until the injured worker demonstrates availability for the exam. House Bill 27 allows the BWC to dismiss these applications instead of suspending them and would potentially clear a backlog of approximately 20,000 currently suspended applications. The bill permits an injured worker to re-file the application subject to the continuing jurisdiction of the Ohio Industrial Commission and the BWC.