

GETAWAY CLE SEMINAR

ADVANCED WORKERS' COMPENSATION SEMINAR

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I. EMERGING TRENDS IN OHIO WORKERS' COMPENSATION

- 1) NATIONAL TRENDS IN WORKERS' COMPENSATION
- 2) MENTAL HEALTH AND RETURN TO WORK TO PHARMACY AND MEDICAL MARIJUANA
- 3) RISING INCIDENTS OF MEGACLAIMS
- 4) TWO SEVERE MOTOR VEHICLE ACCIDENTS
- 5) HIRING OF AN EXPERIENCED TALENT
- 6) VACCINE MANDATES
- 7) INDEPENDENT CONTRACTORS V. EMPLOYEES
- 8) PTSD AND PRESUMPTION
- 9) LABOR SHORTAGE IMPACT ON WORKERS' COMPENSATION
- 10) FUTURE COMMUNICABLE DISEASES IN WORKERS' COMPENSATION
- 11) WORKPLACE VIOLENCE

II. TRENDS IN WORKERS' COMPENSATION IN OHIO

- 1) AMENDED HOUSE BILL NUMBER 447
- 2) CHANGES TO OHIO REVISED CODE SECTION 4123.01 SIGNED BY GOVERNOR DEWINE 6-24-22 EFFECTIVE 9-23-22
- 3) INJURY OR DISABILITY SUSTAINED BY AN EMPLOYEE WHO PERFORMS THE EMPLOYEE'S DUTIES IN A WORK AREA THAT IS LOCATED WITHIN THE EMPLOYEE'S HOME AND THAT IS SEPARATE AND DISTINCT FROM THE LOCATION OF THE EMPLOYER UNLESS ALL OF THE FOLLOWING APPLY:
 - a) The employee's injury or disability arises out of the employee's employment.
 - b) The employee's injury or disability was caused by a special hazard of the employee's employment activity.
 - c) The employee's injury or disability is sustained in the course of an activity undertaken by the employee for the exclusive benefit of the employer.

III. HOUSE BILL 676 REVISING OHIO REVISED CODE SECTION 4123.57

This section directly attacks the *Moorehead* decision (*State ex rel. Moorehead v. Indus. Comm.* 112 Ohio St.3d 27 2006-Ohio-6364) which authorized the payment of all scheduled loss awards, even though the injured worker had not applied for them. This bill proposes to do the following:

- 1) An award under this section shall be paid in weekly installments. It also strikes the language that all unpaid installments to accrue under the provisions of the award. Striking this language takes away any statutory authority for the argument that these benefits had been ordered to be paid to an injured worker and thus would not be payable in the event of the employee's death.

Changes the following languages found also "payment of weekly installments for an award under this division shall stop on the employee's death. If an employee dies in the middle of the week, payment shall be made for the full week in which the employee dies. Any unpaid weekly installments due to the employee for the weeks prior to the employee's death or for the remainder of the week in which the employee dies shall be payable to the surviving spouse."

This bill also proposes that when an employee has sustained a scheduled loss under this division, the award may be paid only for the weeks prior to the employee's death or for the remainder of the week in which the employee dies.

This bill also changes the loss of vision and elements the 25% loss of uncorrected vision. Loss of vision now means the percentage of vision actually lost as a result of the injury or occupational disease after any corrective surgery or other corrections division.

IV. FUTURE OF THE PRACTICE

- 1) BECOMING MORE A PI PRACTICE
- 2) BECOMING A BIG BUSINESS
- 3) THE NEED TO BE CONVERSANT WITH AN EXPANDING MULTILINGUAL WORKFORCE
- 4) THE AGING WORKFORCE
- 5) AGING PRACTITIONERS

- 6) BE A MENTOR TO SOMEONE
- 7) WHO WILL PICK UP THE MANTLE?