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Representative Patton

Cosponsors: Representatives Boggs, DeVitis, LaRe, Sweeney, Abrams, Baldrige, Blair, Boyd, Brent, Brown, Butler, Callender, Carfagna, Carruthers, Cera, Clites, Crawley, Cross, Crossman, Denson, Edwards, Galonski, Ghanbari, Greenspan, Grendell, Hicks-Hudson, Hillyer, Howse, Ingram, Jones, Kelly, Leland, Lepore-Hagan, Lightbody, Liston, Manning, D., Manning, G., Miller, J., Miranda, O'Brien, Oelslager, Patterson, Perales, Plummer, Richardson, Robinson, Rogers, Russo, Sheehy, Skindell, Smith, K., SobECKi, Stein, Stephens, Strahorn, Swearingen, Sykes, Upchurch, Weinstein, West

A BILL

To amend sections 4123.01, 4123.026, and 4123.46	1
and to enact sections 145.364, 742.391,	2
3309.402, 4123.87, and 5505.182 of the Revised	3
Code concerning workers' compensation and	4
disability retirement for peace officers,	5
firefighters, and emergency medical workers	6
diagnosed with post-traumatic stress disorder	7
arising from employment without an accompanying	8
physical injury.	9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4123.01, 4123.026, and 4123.46 be	10
amended and sections 145.364, 742.391, 3309.402, 4123.87, and	11
5505.182 of the Revised Code be enacted to read as follows:	12

<u>Sec. 145.364.</u> Upon determining that a member's post-	13
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traumatic stress disorder, without an accompanying physical 14
injury, qualifies that member for a disability benefit under 15
section 145.36 or 145.361 of the Revised Code, the public 16
employees retirement board, notwithstanding the exceptions to 17
public inspection in division (A) (2) of section 145.27 of the 18
Revised Code or the privileges contained in division (B) of that 19
section, shall notify the administrator of workers' compensation 20
of all of the following: 21

(A) The name of the member; 22

(B) That the member's post-traumatic stress disorder, 23
without an accompanying physical injury, qualifies that member 24
for a disability benefit under section 145.36 or 145.361 of the 25
Revised Code; 26

(C) The effective date of the member's disability benefit; 27

(D) The date that payments for the member's disability 28
benefit commence. 29

Sec. 742.391. Upon determining that a member's post- 30
traumatic stress disorder, without an accompanying physical 31
injury, qualifies that member for a disability benefit under 32
section 742.38 or 742.39 of the Revised Code, the board of 33
trustees of the Ohio police and fire pension fund, 34
notwithstanding the exceptions to public inspection in division 35
(B) of section 742.41 of the Revised Code or the privileges 36
contained in division (C) of that section, shall notify the 37
administrator of workers' compensation of all of the following: 38

(A) The name of the member; 39

(B) That the member's post-traumatic stress disorder, 40
without an accompanying physical injury, qualifies that member 41
for a disability benefit under section 742.38 or 742.39 of the 42

Revised Code; 43

(C) The effective date of the member's disability benefit; 44

(D) The date that payments for the member's disability 45
benefit commence. 46

Sec. 3309.402. Upon determining that a member's post- 47
traumatic stress disorder, without an accompanying physical 48
injury, qualifies that member for a disability benefit under 49
section 3309.35, 3309.40, or 3309.401 of the Revised Code, the 50
school employees retirement board, notwithstanding the 51
exceptions to public inspection in division (A) (2) of section 52
3309.22 of the Revised Code or the privileges contained in 53
division (B) of that section, shall notify the administrator of 54
workers' compensation of all of the following: 55

(A) The name of the member; 56

(B) That the member's post-traumatic stress disorder, 57
without an accompanying physical injury, qualifies that member 58
for a disability benefit under section 3309.35, 3309.40, or 59
3309.401 of the Revised Code; 60

(C) The effective date of the member's disability benefit; 61

(D) The date that payments for the member's disability 62
benefit commence. 63

Sec. 4123.01. As used in this chapter: 64

(A) (1) "Employee" means: 65

(a) Every person in the service of the state, or of any 66
county, municipal corporation, township, or school district 67
therein, including regular members of lawfully constituted 68
police and fire departments of municipal corporations and 69

townships, whether paid or volunteer, and wherever serving 70
within the state or on temporary assignment outside thereof, and 71
executive officers of boards of education, under any appointment 72
or contract of hire, express or implied, oral or written, 73
including any elected official of the state, or of any county, 74
municipal corporation, or township, or members of boards of 75
education. 76

As used in division (A) (1) (a) of this section, the term 77
"employee" includes the following persons when responding to an 78
inherently dangerous situation that calls for an immediate 79
response on the part of the person, regardless of whether the 80
person is within the limits of the jurisdiction of the person's 81
regular employment or voluntary service when responding, on the 82
condition that the person responds to the situation as the 83
person otherwise would if the person were on duty in the 84
person's jurisdiction: 85

(i) Off-duty peace officers. ~~As used in division (A) (1) (a)~~ 86
~~(i) of this section, "peace officer" has the same meaning as in~~ 87
~~section 2935.01 of the Revised Code.~~ 88

(ii) Off-duty firefighters, ~~whether paid or volunteer, of~~ 89
~~a lawfully constituted fire department.~~ 90

(iii) Off-duty ~~first responders, emergency medical~~ 91
~~technicians basic, emergency medical technicians intermediate,~~ 92
~~or emergency medical technicians paramedic, whether paid or~~ 93
~~volunteer, emergency medical workers~~ of an ambulance service 94
organization or emergency medical service organization ~~pursuant~~ 95
~~to Chapter 4765. of the Revised Code.~~ 96

(b) Every person in the service of any person, firm, or 97
private corporation, including any public service corporation, 98

that (i) employs one or more persons regularly in the same 99
business or in or about the same establishment under any 100
contract of hire, express or implied, oral or written, including 101
aliens and minors, household workers who earn one hundred sixty 102
dollars or more in cash in any calendar quarter from a single 103
household and casual workers who earn one hundred sixty dollars 104
or more in cash in any calendar quarter from a single employer, 105
or (ii) is bound by any such contract of hire or by any other 106
written contract, to pay into the state insurance fund the 107
premiums provided by this chapter. 108

(c) Every person who performs labor or provides services 109
pursuant to a construction contract, as defined in section 110
4123.79 of the Revised Code, if at least ten of the following 111
criteria apply: 112

(i) The person is required to comply with instructions 113
from the other contracting party regarding the manner or method 114
of performing services; 115

(ii) The person is required by the other contracting party 116
to have particular training; 117

(iii) The person's services are integrated into the 118
regular functioning of the other contracting party; 119

(iv) The person is required to perform the work 120
personally; 121

(v) The person is hired, supervised, or paid by the other 122
contracting party; 123

(vi) A continuing relationship exists between the person 124
and the other contracting party that contemplates continuing or 125
recurring work even if the work is not full time; 126

(vii) The person's hours of work are established by the	127
other contracting party;	128
(viii) The person is required to devote full time to the	129
business of the other contracting party;	130
(ix) The person is required to perform the work on the	131
premises of the other contracting party;	132
(x) The person is required to follow the order of work set	133
by the other contracting party;	134
(xi) The person is required to make oral or written	135
reports of progress to the other contracting party;	136
(xii) The person is paid for services on a regular basis	137
such as hourly, weekly, or monthly;	138
(xiii) The person's expenses are paid for by the other	139
contracting party;	140
(xiv) The person's tools and materials are furnished by	141
the other contracting party;	142
(xv) The person is provided with the facilities used to	143
perform services;	144
(xvi) The person does not realize a profit or suffer a	145
loss as a result of the services provided;	146
(xvii) The person is not performing services for a number	147
of employers at the same time;	148
(xviii) The person does not make the same services	149
available to the general public;	150
(xix) The other contracting party has a right to discharge	151
the person;	152

(xx) The person has the right to end the relationship with 153
the other contracting party without incurring liability pursuant 154
to an employment contract or agreement. 155

Every person in the service of any independent contractor 156
or subcontractor who has failed to pay into the state insurance 157
fund the amount of premium determined and fixed by the 158
administrator of workers' compensation for the person's 159
employment or occupation or who is a self-insuring employer and 160
who has failed to pay compensation and benefits directly to the 161
employer's injured and to the dependents of the employer's 162
killed employees as required by section 4123.35 of the Revised 163
Code, shall be considered as the employee of the person who has 164
entered into a contract, whether written or verbal, with such 165
independent contractor unless such employees or their legal 166
representatives or beneficiaries elect, after injury or death, 167
to regard such independent contractor as the employer. 168

(d) Every person who operates a vehicle or vessel in the 169
performance of services for or on behalf of a motor carrier 170
transporting property, unless all of the following factors apply 171
to the person: 172

(i) The person owns the vehicle or vessel that is used in 173
performing the services for or on behalf of the carrier, or the 174
person leases the vehicle or vessel under a bona fide lease 175
agreement that is not a temporary replacement lease agreement. 176
For purposes of this division, a bona fide lease agreement does 177
not include an agreement between the person and the motor 178
carrier transporting property for which, or on whose behalf, the 179
person provides services. 180

(ii) The person is responsible for supplying the necessary 181
personal services to operate the vehicle or vessel used to 182

provide the service.	183
(iii) The compensation paid to the person is based on	184
factors related to work performed, including on a mileage-based	185
rate or a percentage of any schedule of rates, and not solely on	186
the basis of the hours or time expended.	187
(iv) The person substantially controls the means and	188
manner of performing the services, in conformance with	189
regulatory requirements and specifications of the shipper.	190
(v) The person enters into a written contract with the	191
carrier for whom the person is performing the services that	192
describes the relationship between the person and the carrier to	193
be that of an independent contractor and not that of an	194
employee.	195
(vi) The person is responsible for substantially all of	196
the principal operating costs of the vehicle or vessel and	197
equipment used to provide the services, including maintenance,	198
fuel, repairs, supplies, vehicle or vessel insurance, and	199
personal expenses, except that the person may be paid by the	200
carrier the carrier's fuel surcharge and incidental costs,	201
including tolls, permits, and lump sum fees.	202
(vii) The person is responsible for any economic loss or	203
economic gain from the arrangement with the carrier.	204
(2) "Employee" does not mean any of the following:	205
(a) A duly ordained, commissioned, or licensed minister or	206
assistant or associate minister of a church in the exercise of	207
ministry;	208
(b) Any officer of a family farm corporation;	209
(c) An individual incorporated as a corporation;	210

(d) An officer of a nonprofit corporation, as defined in 211
section 1702.01 of the Revised Code, who volunteers the person's 212
services as an officer; 213

(e) An individual who otherwise is an employee of an 214
employer but who signs the waiver and affidavit specified in 215
section 4123.15 of the Revised Code on the condition that the 216
administrator has granted a waiver and exception to the 217
individual's employer under section 4123.15 of the Revised Code; 218

(f) (i) A qualifying employee described in division (A) (14) 219
(a) of section 5703.94 of the Revised Code when the qualifying 220
employee is performing disaster work in this state during a 221
disaster response period pursuant to a qualifying solicitation 222
received by the employee's employer; 223

(ii) A qualifying employee described in division (A) (14) 224
(b) of section 5703.94 of the Revised Code when the qualifying 225
employee is performing disaster work in this state during a 226
disaster response period on critical infrastructure owned or 227
used by the employee's employer; 228

(iii) As used in division (A) (2) (f) of this section, 229
"critical infrastructure," "disaster response period," "disaster 230
work," and "qualifying employee" have the same meanings as in 231
section 5703.94 of the Revised Code. 232

Any employer may elect to include as an "employee" within 233
this chapter, any person excluded from the definition of 234
"employee" pursuant to division (A) (1) (d) or (A) (2) (a), (b), 235
(c), or (e) of this section in accordance with rules adopted by 236
the administrator, with the advice and consent of the bureau of 237
workers' compensation board of directors. If an employer is a 238
partnership, sole proprietorship, individual incorporated as a 239

corporation, or family farm corporation, such employer may elect 240
to include as an "employee" within this chapter, any member of 241
such partnership, the owner of the sole proprietorship, the 242
individual incorporated as a corporation, or the officers of the 243
family farm corporation. Nothing in this section shall prohibit 244
a partner, sole proprietor, or any person excluded from the 245
definition of "employee" pursuant to division (A)(2)(a), (b), 246
(c), or (e) of this section from electing to be included as an 247
"employee" under this chapter in accordance with rules adopted 248
by the administrator, with the advice and consent of the board. 249

In the event of an election, the employer or person 250
electing coverage shall serve upon the bureau of workers' 251
compensation written notice naming the person to be covered and 252
include the person's remuneration for premium purposes in all 253
future payroll reports. No partner, sole proprietor, or person 254
excluded from the definition of "employee" pursuant to division 255
(A)(1)(d) or (A)(2)(a), (b), (c), or (e) of this section, shall 256
receive benefits or compensation under this chapter until the 257
bureau receives written notice of the election permitted by this 258
section. 259

For informational purposes only, the bureau shall 260
prescribe such language as it considers appropriate, on such of 261
its forms as it considers appropriate, to advise employers of 262
their right to elect to include as an "employee" within this 263
chapter a sole proprietor, any member of a partnership, or a 264
person excluded from the definition of "employee" under division 265
(A)(1)(d) or (A)(2)(a), (b), (c), or (e) of this section, that 266
they should check any health and disability insurance policy, or 267
other form of health and disability plan or contract, presently 268
covering them, or the purchase of which they may be considering, 269
to determine whether such policy, plan, or contract excludes 270

benefits for illness or injury that they might have elected to 271
have covered by workers' compensation. 272

(B) (1) "Employer" means: 273

(a) The state, including state hospitals, each county, 274
municipal corporation, township, school district, and hospital 275
owned by a political subdivision or subdivisions other than the 276
state; 277

(b) Every person, firm, professional employer 278
organization, and private corporation, including any public 279
service corporation, that (i) has in service one or more 280
employees or shared employees regularly in the same business or 281
in or about the same establishment under any contract of hire, 282
express or implied, oral or written, or (ii) is bound by any 283
such contract of hire or by any other written contract, to pay 284
into the insurance fund the premiums provided by this chapter. 285

All such employers are subject to this chapter. Any member 286
of a firm or association, who regularly performs manual labor in 287
or about a mine, factory, or other establishment, including a 288
household establishment, shall be considered an employee in 289
determining whether such person, firm, or private corporation, 290
or public service corporation, has in its service, one or more 291
employees and the employer shall report the income derived from 292
such labor to the bureau as part of the payroll of such 293
employer, and such member shall thereupon be entitled to all the 294
benefits of an employee. 295

(2) "Employer" does not include a franchisor with respect 296
to the franchisor's relationship with a franchisee or an 297
employee of a franchisee, unless the franchisor agrees to assume 298
that role in writing or a court of competent jurisdiction 299

determines that the franchisor exercises a type or degree of 300
control over the franchisee or the franchisee's employees that 301
is not customarily exercised by a franchisor for the purpose of 302
protecting the franchisor's trademark, brand, or both. For 303
purposes of this division, "franchisor" and "franchisee" have 304
the same meanings as in 16 C.F.R. 436.1. 305

(C) "Injury" includes any injury, whether caused by 306
external accidental means or accidental in character and result, 307
received in the course of, and arising out of, the injured 308
employee's employment. "Injury" does not include: 309

(1) Psychiatric conditions except ~~where~~ as follows: 310

(a) Where the claimant's psychiatric conditions have 311
arisen from an injury or occupational disease sustained by that 312
claimant ~~or where~~; 313

(b) Where the claimant's psychiatric conditions have 314
arisen from sexual conduct in which the claimant was forced by 315
threat of physical harm to engage or participate; 316

(c) Where the claimant is a peace officer, firefighter, or 317
emergency medical worker and is diagnosed with post-traumatic 318
stress disorder that has been received in the course of, and has 319
arisen out of, the claimant's employment as a peace officer, 320
firefighter, or emergency medical worker. 321

(2) Injury or disability caused primarily by the natural 322
deterioration of tissue, an organ, or part of the body; 323

(3) Injury or disability incurred in voluntary 324
participation in an employer-sponsored recreation or fitness 325
activity if the employee signs a waiver of the employee's right 326
to compensation or benefits under this chapter prior to engaging 327
in the recreation or fitness activity; 328

(4) A condition that pre-existed an injury unless that 329
pre-existing condition is substantially aggravated by the 330
injury. Such a substantial aggravation must be documented by 331
objective diagnostic findings, objective clinical findings, or 332
objective test results. Subjective complaints may be evidence of 333
such a substantial aggravation. However, subjective complaints 334
without objective diagnostic findings, objective clinical 335
findings, or objective test results are insufficient to 336
substantiate a substantial aggravation. 337

(D) "Child" includes a posthumous child and a child 338
legally adopted prior to the injury. 339

(E) "Family farm corporation" means a corporation founded 340
for the purpose of farming agricultural land in which the 341
majority of the voting stock is held by and the majority of the 342
stockholders are persons or the spouse of persons related to 343
each other within the fourth degree of kinship, according to the 344
rules of the civil law, and at least one of the related persons 345
is residing on or actively operating the farm, and none of whose 346
stockholders are a corporation. A family farm corporation does 347
not cease to qualify under this division where, by reason of any 348
devise, bequest, or the operation of the laws of descent or 349
distribution, the ownership of shares of voting stock is 350
transferred to another person, as long as that person is within 351
the degree of kinship stipulated in this division. 352

(F) "Occupational disease" means a disease contracted in 353
the course of employment, which by its causes and the 354
characteristics of its manifestation or the condition of the 355
employment results in a hazard which distinguishes the 356
employment in character from employment generally, and the 357
employment creates a risk of contracting the disease in greater 358

degree and in a different manner from the public in general. 359

(G) "Self-insuring employer" means an employer who is 360
granted the privilege of paying compensation and benefits 361
directly under section 4123.35 of the Revised Code, including a 362
board of county commissioners for the sole purpose of 363
constructing a sports facility as defined in section 307.696 of 364
the Revised Code, provided that the electors of the county in 365
which the sports facility is to be built have approved 366
construction of a sports facility by ballot election no later 367
than November 6, 1997. 368

(H) "Private employer" means an employer as defined in 369
division (B) (1) (b) of this section. 370

(I) "Professional employer organization" has the same 371
meaning as in section 4125.01 of the Revised Code. 372

(J) "Public employer" means an employer as defined in 373
division (B) (1) (a) of this section. 374

(K) "Sexual conduct" means vaginal intercourse between a 375
male and female; anal intercourse, fellatio, and cunnilingus 376
between persons regardless of gender; and, without privilege to 377
do so, the insertion, however slight, of any part of the body or 378
any instrument, apparatus, or other object into the vaginal or 379
anal cavity of another. Penetration, however slight, is 380
sufficient to complete vaginal or anal intercourse. 381

(L) "Other-states' insurer" means an insurance company 382
that is authorized to provide workers' compensation insurance 383
coverage in any of the states that permit employers to obtain 384
insurance for workers' compensation claims through insurance 385
companies. 386

(M) "Other-states' coverage" means both of the following: 387

(1) Insurance coverage secured by an eligible employer for 388
workers' compensation claims of employees who are in employment 389
relationships localized in a state other than this state or 390
those employees' dependents; 391

(2) Insurance coverage secured by an eligible employer for 392
workers' compensation claims that arise in a state other than 393
this state where an employer elects to obtain coverage through 394
either the administrator or an other-states' insurer. 395

(N) "Limited other-states coverage" means insurance 396
coverage provided by the administrator to an eligible employer 397
for workers' compensation claims of employees who are in an 398
employment relationship localized in this state but are 399
temporarily working in a state other than this state, or those 400
employees' dependents. 401

(O) "Motor carrier" has the same meaning as in section 402
4923.01 of the Revised Code. 403

(P) "Peace officer" has the same meaning as in section 404
2935.01 of the Revised Code. 405

(Q) "Firefighter" means a firefighter, whether paid or 406
volunteer, of a lawfully constituted fire department. 407

(R) "Emergency medical worker" means a first responder, 408
emergency medical technician-basic, emergency medical 409
technician-intermediate, or emergency medical technician- 410
paramedic, certified under Chapter 4765. of the Revised Code, 411
whether paid or volunteer. 412

Sec. 4123.026. ~~(A)~~—The administrator of workers' 413
compensation, or a self-insuring public employer for the peace 414
officers, firefighters, and emergency medical workers employed 415
by or volunteering for that self-insuring public employer, shall 416

pay the costs of conducting post-exposure medical diagnostic 417
services, consistent with the standards of medical care existing 418
at the time of the exposure, to investigate whether an injury or 419
occupational disease was sustained by a peace officer, 420
firefighter, or emergency medical worker when coming into 421
contact with the blood or other body fluid of another person in 422
the course of and arising out of the peace officer's, 423
firefighter's, or emergency medical worker's employment, or when 424
responding to an inherently dangerous situation in the manner 425
described in, and in accordance with the conditions specified 426
under, division (A) (1) (a) of section 4123.01 of the Revised 427
Code, through any of the following means: 428

~~(1) (A) Splash or spatter in the eye or mouth, including 429~~
~~when received in the course of conducting mouth-to-mouth 430~~
~~resuscitation; 431~~

~~(2) (B) A puncture in the skin; 432~~

~~(3) (C) A cut in the skin or another opening in the skin 433~~
~~such as an open sore, wound, lesion, abrasion, or ulcer. 434~~

~~(B) As used in this section: 435~~

~~(1) "Peace officer" has the same meaning as in section 436~~
~~2935.01 of the Revised Code. 437~~

~~(2) "Firefighter" means a firefighter, whether paid or 438~~
~~volunteer, of a lawfully constituted fire department. 439~~

~~(3) "Emergency medical worker" means a first responder, 440~~
~~emergency medical technician basic, emergency medical 441~~
~~technician intermediate, or emergency medical technician 442~~
~~paramedic, certified under Chapter 4765. of the Revised Code, 443~~
~~whether paid or volunteer. 444~~

Sec. 4123.46. (A) (1) Except as provided in division (A) (2) 445
of this section, the bureau of workers' compensation shall 446
disburse the state insurance fund to employees of employers who 447
have paid into the fund the premiums applicable to the classes 448
to which they belong when the employees have been injured in the 449
course of their employment, wherever the injuries have occurred, 450
and provided the injuries have not been purposely self- 451
inflicted, or to the dependents of the employees in case death 452
has ensued. 453

(2) As long as injuries have not been purposely self- 454
inflicted, the bureau shall disburse the surplus fund created 455
under section 4123.34 of the Revised Code to off-duty peace 456
officers, firefighters, and emergency medical ~~technicians, and~~ 457
~~first responders~~ workers, or to their dependents if death 458
ensues, who are injured while responding to inherently dangerous 459
situations that call for an immediate response on the part of 460
the person, regardless of whether the person was within the 461
limits of the person's jurisdiction when responding, on the 462
condition that the person responds to the situation as the 463
person otherwise would if the person were on duty in the 464
person's jurisdiction. 465

~~As used in division (A) (2) of this section, "peace-~~ 466
~~officer," "firefighter," "emergency medical technician," "first-~~ 467
~~responder," and "jurisdiction" have the same meanings as in~~ 468
~~section 4123.01 of the Revised Code.~~ 469

(B) All self-insuring employers, in compliance with this 470
chapter, shall pay the compensation to injured employees, or to 471
the dependents of employees who have been killed in the course 472
of their employment, unless the injury or death of the employee 473
was purposely self-inflicted, and shall furnish the medical, 474

surgical, nurse, and hospital care and attention or funeral 475
expenses as would have been paid and furnished by virtue of this 476
chapter under a similar state of facts by the bureau out of the 477
state insurance fund if the employer had paid the premium into 478
the fund. 479

If any rule or regulation of a self-insuring employer 480
provides for or authorizes the payment of greater compensation 481
or more complete or extended medical care, nursing, surgical, 482
and hospital attention, or funeral expenses to the injured 483
employees, or to the dependents of the employees as may be 484
killed, the employer shall pay to the employees, or to the 485
dependents of employees killed, the amount of compensation and 486
furnish the medical care, nursing, surgical, and hospital 487
attention or funeral expenses provided by the self-insuring 488
employer's rules and regulations. 489

(C) Payment to injured employees, or to their dependents 490
in case death has ensued, is in lieu of any and all rights of 491
action against the employer of the injured or killed employees. 492

Sec. 4123.87. (A) No claimant shall be entitled to 493
compensation or benefits under this chapter for an injury 494
described in division (C)(1)(c) of section 4123.01 of the 495
Revised Code for any period of time during which the claimant 496
received a disability benefit or disability retirement from the 497
public employees retirement system, the Ohio police and fire 498
pension fund, the school employees retirement system, or the 499
state highway patrol retirement system. 500

(B) If a claimant receives an award of compensation or 501
benefits under this chapter or Chapter 4121., 4127., or 4131. of 502
the Revised Code for an injury described in division (C)(1)(c) 503
of section 4123.01 of the Revised Code for the same time period 504

for which the claimant received a disability benefit or 505
disability retirement from the public employees retirement 506
system, the Ohio police and fire pension fund, the school 507
employees retirement system, or the state highway patrol 508
retirement system, the administrator or any self-insuring 509
employer, by any lawful means, may collect from the employee or 510
the employee's dependents any of the following: 511

(1) The amount of compensation or benefits paid to the 512
claimant by the administrator or a self-insuring employer 513
pursuant to this chapter or Chapter 4121., 4127., or 4131. of 514
the Revised Code for that time period; 515

(2) Any interest, attorney's fees, and costs the 516
administrator or the self-insuring employer incurs in collecting 517
that payment. 518

Sec. 5505.182. Upon determining that a member's post- 519
traumatic stress disorder, without an accompanying physical 520
injury, qualifies that member for disability retirement under 521
section 5505.18 of the Revised Code, the state highway patrol 522
retirement board, notwithstanding the exceptions to public 523
inspection in division (C) (2) of section 5505.04 of the Revised 524
Code or the privileges contained in division (D) of that 525
section, shall notify the administrator of workers' compensation 526
of all of the following: 527

(A) The name of the member; 528

(B) That the member's post-traumatic stress disorder, 529
without an accompanying physical injury, qualifies that member 530
for disability retirement under section 5505.18 of the Revised 531
Code; 532

(C) The effective date of the member's disability 533

retirement; 534

(D) The date that payments for the member's disability 535
retirement commence. 536

Section 2. That existing sections 4123.01, 4123.026, and 537
4123.46 of the Revised Code are hereby repealed. 538