

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**H. B. No. 249**

**Representatives Heard, Letson**

**Cosponsors: Representatives Lundy, Boyd, Hagan, Goyal, Murray**

—

**A B I L L**

To amend section 4123.88 of the Revised Code to 1  
clarify the method by which journalists may 2  
request Bureau of Workers' Compensation records 3  
for multiple claimants, add to the definition of 4  
"journalist," and allow a person to solicit 5  
authority from a claimant or employer to represent 6  
the claimant or employer in any claim or appeal 7  
filed with the Bureau. 8

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

**Section 1.** That section 4123.88 of the Revised Code be 9  
amended to read as follows: 10

**Sec. 4123.88.** (A) No person shall orally or in writing, 11  
directly or indirectly, or through any agent or other person 12  
fraudulently hold the person's self out or represent the person's 13  
self or any of the person's partners or associates as authorized 14  
by a claimant or employer to take charge of, or represent the 15  
claimant or employer in respect of, any claim or matter in 16  
connection therewith before the bureau of workers' compensation or 17  
the industrial commission or its district or staff hearing 18  
officers. No person shall ~~directly or indirectly solicit~~ 19

authority, or pay or give anything of value to another person to 20  
solicit authority, or accept or receive pay or anything of value 21  
from another person for soliciting authority, from a claimant or 22  
employer to take charge of, or represent the claimant or employer 23  
in respect of, any claim or appeal which is or may be filed with 24  
the bureau or commission. No person shall, without prior authority 25  
from the bureau, a member of the commission, the claimant, or the 26  
employer, examine or directly or indirectly cause or employ 27  
another person to examine any claim file or any other file 28  
pertaining thereto. No person shall forge an authorization for the 29  
purpose of examining or cause another person to examine any such 30  
file. No district or staff hearing officer or other employee of 31  
the bureau or commission, notwithstanding the provisions of 32  
section 4123.27 of the Revised Code, shall divulge any information 33  
in respect of any claim or appeal which is or may be filed with a 34  
district or staff hearing officer, the bureau, or commission to 35  
any person other than members of the commission or to the superior 36  
of the employee except upon authorization of the administrator of 37  
workers' compensation or a member of the commission or upon 38  
authorization of the claimant or employer. 39

(B) The records described or referred to in division (A) of 40  
this section are not public records as defined in division (A)(1) 41  
of section 149.43 of the Revised Code. Any information directly or 42  
indirectly identifying the address or telephone number of a 43  
claimant, regardless of whether the claimant's claim is active or 44  
closed, is not a public record. No person shall solicit or obtain 45  
any such information from any such employee without first having 46  
obtained an authorization therefor as provided in this section. 47

(C) Except as otherwise specified in division (D) of this 48  
section, information kept by the commission or the bureau pursuant 49  
to this section is for the ~~exclusive use and~~ information of the 50  
commission and the bureau in the discharge of their official 51

duties, and shall not be open to the public nor be used in any 52  
court in any action or proceeding pending therein, unless the 53  
commission or the bureau is a party to the action or proceeding. 54  
The information, however, may be tabulated and published by the 55  
commission or the bureau in statistical form for the use and 56  
information of other state agencies and the public. 57

(D)(1) Upon receiving a written request made and signed by an 58  
individual whose primary occupation is as a journalist, the 59  
commission or the bureau shall disclose to the individual the 60  
address or addresses and telephone number or numbers of claimants, 61  
regardless of whether their claims are active or closed, and the 62  
dependents of those claimants. Consistent with division (B)(9) of 63  
section 149.43 of the Revised Code, a "journalist" means a person 64  
engaged in, connected with, or employed by any news medium 65  
including a newspaper, magazine, press association, trade and 66  
business association newsletters, news agency or wire service, a 67  
radio or television station, or a similar medium, for the purpose 68  
of gathering, processing, transmitting, compiling, editing, or 69  
disseminating information for the general public. 70

(2) An individual described in division (D)(1) of this 72  
section is permitted to request the information described in that 73  
division for any lists of multiple workers or dependents in one 74  
written request. 75

(3) An individual described in division (D)(1) of this 76  
section shall include all of the following in the written request: 77

(a) The individual's name, title, and signature; 79

(b) The name and title of the individual's employer; 80

(c) A statement that the disclosure of the information sought 81  
is in the public interest. 82

(4) Neither the commission nor the bureau may inquire as to 83  
the specific public interest served by the disclosure of 84  
information requested by an individual under division (D) of this 85  
section. 86

~~(E) As used in this section, "journalist" has the same 87  
meaning as in division (B)(9) of section 149.43 of the Revised 88  
Code. 89~~

**Section 2.** That existing section 4123.88 of the Revised Code 90  
is hereby repealed. 91