

## MEDICAL ISSUES

**Joint Resolution R94-1-12  
(Ohio Industrial Commission and Ohio Bureau of Workers' Compensation)  
Report of Psychiatrist or Psychologist Required  
July 1, 1994**

WHEREAS, Ohio Administrative Code Rules 4121-3-09(B)(1) and 4123-3-09(C)(1) provide that evidentiary proof shall be of sufficient quantum and probative value to establish the jurisdiction of the Industrial Commission or Bureau of Workers' Compensation to determine the rights of an applicant to an award; and

WHEREAS, Ohio Administrative Code Rules 4121-3-16(D) and 4123-3-16(D) provide that all motions shall be accompanied by substantial competent proof conforming to the standards established by Ohio Administrative Code Rules 4121-3-09(B), 4123-3-09(C), and 4123-3-17(J); and

WHEREAS, Ohio Administrative Code Rule 4121-3-16(H) provides for the dismissal of a motion for failure to conform to the provisions of Ohio Administrative Code Rule 4121-3-16(D); and

WHEREAS, under Section 4121.39(A) O.R.C., the Administrator is to review and process all applications for claims; and

WHEREAS, pursuant to Section 4123.511(B) O.R.C., except in those claims in which an employer is a self-insuring employer, if the Administrator determines that the claimant is or is not entitled to an award for compensation and benefits, he shall issue an order; and

WHEREAS, the Industrial Commission issued Resolution No. R92-1-1 dated April 9, 1992; and

WHEREAS, pursuant to Section 4121.03(E) O.R.C., the Industrial Commission is responsible for the establishment of the overall adjudicatory policy of the Commission; and

WHEREAS, the Administrator of Workers' Compensation and the Industrial Commission believe that injured workers and employers, are best served by establishing a uniform standard for the type of medical evidence that shall be acceptable to initiate the processing of a motion that is filed for the recognition of an additional condition of a psychiatric or psychological nature; and

WHEREAS, the Industrial Commission and Administrator of Workers' Compensation find that substantial competent proof to support a motion requesting the recognition of an additional condition of a psychiatric or psychological nature should be supported by medical evidence consisting of a medical report from either a licensed psychiatric specialist or a clinical psychologist.

THEREFORE BE IT RESOLVED that all motions requesting the recognition of an additional condition of a psychiatric or psychological nature shall be accompanied by supporting medical evidence consisting of a report by either a licensed psychiatric specialist or a clinical psychologist.

BE IT FURTHER RESOLVED that Commission Resolution No. R92-1-1 dated April 9, 1992 is modified consistent with the provisions of the instant resolution.

BE IT FURTHER RESOLVED that the provisions within the instant resolution shall apply to all motions for the recognition of an additional condition of a psychiatric or psychological nature filed on or after July 15, 1994.