

**\*\*\*NO CHANGE\*\*\***

**4125-1-02 Electronic submission and acceptance of documents.**

(A) As used in this rule:

- (1) "Bureau" means the bureau of workers' compensation and the authority vested in the administrator of workers' compensation.
- (2) "Commission" means the industrial commission.
- (3) "Electronic" includes electrical, digital, magnetic, wireless, optical, electromagnetic, facsimile or any other form of technology that entails capabilities similar to these technologies.
- (4) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.
- (5) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record.
- (6) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.
- (7) "Health care provider" or "provider" has the same meaning set forth in rule 4123-6-01 of the Administrative Code.
- (8) "Managed care organization" or "MCO" has the same meaning set forth in rule 4123-6-01 of the Administrative Code.
- (9) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form including, but not limited, to applications, notices, evidence, or other documents.
- (10) "Approved electronic information system" means the system designated by the commission or bureau for submission of electronic records. All electronic submissions are subject to data validation criteria as determined by the commission or bureau.

(B) Where a statute in Chapter 4121., 4123., 4125., 4127., or 4131. of the Revised Code or a rule in Chapter 4121., 4123., 4125., 4127. or 4131. of the Administrative Code, requires that applications, notices, evidence, and other documents, be in writing or requires a signature, the commission or bureau may, to the extent of their respective jurisdictions, approve of and provide for the electronic submission and sending of those documents, and the use of an electronic signature on those documents.

(C) For purposes of authentication, a person wishing to file certain electronic records shall obtain an identification number or other approved identification recognized by the commission or bureau.

(D) All electronic records received by the commission or bureau must be authenticated by the sending person's or provider's unique electronic signature or its equivalent as deemed appropriate by the commission or bureau. If the person or provider fails to authenticate the electronic record with the electronic signature or its equivalent as deemed appropriate by the commission or bureau, the commission or bureau may disregard such record in rendering a decision, determination, or order to which the record would otherwise be relevant.

(E) If the commission or bureau finds that any electronic record received is unintelligible, incomplete, or in any

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manner illegible or incomprehensible, or, if the record fails to comply with paragraph (A)(10) of this rule, the commission or bureau shall make a reasonable attempt to contact the sender to correct the deficiency of the electronic record. If the commission or bureau is unable to contact the sender or the sender is unable to correct the deficiency of the electronic record, the commission or bureau may disregard the electronic record or evidence in rendering a decision, determination, or order to which the record or evidence would otherwise be relevant.

- (F) To be accepted as timely filed or received, a record which is submitted electronically must:
  - (1) Be received by an electronic device, or at an electronic address designated by the commission or bureau as being appropriate for the intended purpose, and
  - (2) Be confirmed by the commission or bureau to have been received within the prescribed time frames of statutes or administrative rules.
- (G) Electronic records not received by the commission or bureau during regular business hours, will be considered received and filed on the next business day.
- (H) The electronic submission of applications, notices, evidence, or other documents is deemed equivalent to the submission of the original document.
- (I) The electronic submission of documents to the commission or bureau is not required. A person may continue to submit non-electronic documents to the commission or bureau.
- (J) The provisions of this rule notwithstanding, electronic submission and acceptance of documents by MCOs will continue to be governed by the MCO contract. To the extent this rule conflicts with any provisions of the MCO contract or the rules of Chapter 4123-6 of the Administrative Code, the MCO contract or rules of Chapter 4123-6 of the Administrative Code are controlling.