

\_\_\_\_\_ moved to amend as follows:

1 Engross the bill as directed by the commands in the  
2 amendments attached hereto, ignoring matter extraneous to those  
3 commands

4 INDEX

5 The following amendments are attached hereto:

Amendment No.	Subject
HC-0058	Voluntary abandonment
HC-0068	Final settlement agreements
HC-0070	Employee misclassification penalty
HC-0077	Funeral expenses
HC-0078	Coal-Workers Pneumoconiosis Fund transfer

6 The motion was \_\_\_\_\_ agreed to.

\_\_\_\_\_ moved to amend as follows:

1 In line 1017, delete "something other than" and insert  
2 "reasons unrelated to"

3 In line 1022, delete "in a manner that"

4 In line 1023, delete "is inconsistent with this division"

5 In line 1071, reinsert "or otherwise"

6 In line 1072, after "~~workforce~~" insert "is not working";  
7 reinsert "for reasons unrelated to the allowed injury or"

8 In line 1073, reinsert "occupational disease."; delete the  
9 underlined semicolon

10 In line 1076, delete the underlined semicolon

11 Delete lines 1077 and 1078

12 In line 1079, delete "than a disability arising from an  
13 injury or occupational disease"

14 The motion was \_\_\_\_\_ agreed to.

15 SYNOPSIS

16 **Voluntary abandonment**

17 **R.C. 4123.56 and 4123.58**

18 Prohibits a person from receiving temporary total  
19 disability (TTD) or permanent total disability (PTD)

**HC0058**

20 compensation when the person is not working for reasons  
21 unrelated to an allowed injury or occupational disease, rather  
22 than as the direct result of something other than a disability  
23 arising from the injury or occupational disease as currently  
24 proposed.

25 States that the General Assembly intends to supersede any  
26 previous judicial decision that applied the voluntary  
27 abandonment doctrine to claims for TTD compensation, rather than  
28 superseding a judicial decision that is inconsistent with the  
29 proposed language.

\_\_\_\_\_ moved to amend as follows:

1 Delete lines 1188 through 1190

2 The motion was \_\_\_\_\_ agreed to.

3 SYNOPSIS

4 **Final settlement agreements**

5 **R.C. 4123.65**

6 Removes a proposed prohibition against an employer  
7 requiring an employee to terminate the employment relationship  
8 as a condition of settling a workers' compensation claim.



Sub. H.B. 80  
LSC 133 0003-3

\_\_\_\_\_ moved to amend as follows:

In line 3 of the title, after "4123.65," insert "4123.66," 1

In line 159, after "4123.65," insert "4123.66," 2

After line 1190, insert: 3

"**Sec. 4123.66.** (A) In addition to the compensation provided 4  
for in this chapter, the administrator of workers' compensation 5  
shall disburse and pay from the state insurance fund the amounts 6  
for medical, nurse, and hospital services and medicine as the 7  
administrator deems proper and, in case death ensues from the 8  
injury or occupational disease, the administrator shall disburse 9  
and pay from the fund reasonable funeral expenses in an amount not 10  
to exceed ~~fifty-five~~ seven thousand five hundred dollars. The 11  
bureau of workers' compensation shall reimburse anyone, whether 12  
dependent, volunteer, or otherwise, who pays the funeral expenses 13  
of any employee whose death ensues from any injury or occupational 14  
disease as provided in this section. The administrator may adopt 15  
rules, with the advice and consent of the bureau of workers' 16  
compensation board of directors, with respect to furnishing 17  
medical, nurse, and hospital service and medicine to injured or 18  
disabled employees entitled thereto, and for the payment therefor. 19  
In case an injury or industrial accident that injures an employee 20  
also causes damage to the employee's eyeglasses, artificial teeth 21

or other denture, or hearing aid, or in the event an injury or 22  
occupational disease makes it necessary or advisable to replace, 23  
repair, or adjust the same, the bureau shall disburse and pay a 24  
reasonable amount to repair or replace the same. 25

(B) The administrator, in the rules the administrator adopts 26  
pursuant to division (A) of this section, may adopt rules 27  
specifying the circumstances under which the bureau may make 28  
immediate payment for the first fill of prescription drugs for 29  
medical conditions identified in an application for compensation 30  
or benefits under section 4123.84 or 4123.85 of the Revised Code 31  
that occurs prior to the date the administrator issues an initial 32  
determination order under division (B) of section 4123.511 of the 33  
Revised Code. If the claim is ultimately disallowed in a final 34  
administrative or judicial order, and if the employer is a state 35  
fund employer who pays assessments into the surplus fund account 36  
created under section 4123.34 of the Revised Code, the payments 37  
for medical services made pursuant to this division for the first 38  
fill of prescription drugs shall be charged to and paid from the 39  
surplus fund account and not charged through the state insurance 40  
fund to the employer against whom the claim was filed. 41

(C)(1) If an employer or a welfare plan has provided to or on 42  
behalf of an employee any benefits or compensation for an injury 43  
or occupational disease and that injury or occupational disease is 44  
determined compensable under this chapter, the employer or a 45  
welfare plan may request that the administrator reimburse the 46  
employer or welfare plan for the amount the employer or welfare 47  
plan paid to or on behalf of the employee in compensation or 48  
benefits. The administrator shall reimburse the employer or 49  
welfare plan for the compensation and benefits paid if, at the 50  
time the employer or welfare plan provides the benefits or 51

compensation to or on behalf of employee, the injury or 52  
occupational disease had not been determined to be compensable 53  
under this chapter and if the employee was not receiving 54  
compensation or benefits under this chapter for that injury or 55  
occupational disease. The administrator shall reimburse the 56  
employer or welfare plan in the amount that the administrator 57  
would have paid to or on behalf of the employee under this chapter 58  
if the injury or occupational disease originally would have been 59  
determined compensable under this chapter. If the employer is a 60  
merit-rated employer, the administrator shall adjust the amount of 61  
premium next due from the employer according to the amount the 62  
administrator pays the employer. The administrator shall adopt 63  
rules, in accordance with Chapter 119. of the Revised Code, to 64  
implement this division. 65

(2) As used in this division, "welfare plan" has the same 66  
meaning as in division (1) of 29 U.S.C.A. 1002. 67

(D)(1) Subject to the requirements of division (D)(2) of this 68  
section, the administrator may make a payment of up to five 69  
hundred dollars to either of the following: 70

(a) The centers of medicare and medicaid services, for 71  
reimbursement of conditional payments made pursuant to the 72  
"Medicare Secondary Payer Act," 42 U.S.C. 1395y; 73

(b) The Ohio department of medicaid, or a medical assistance 74  
provider to whom the department has assigned a right of recovery 75  
for a claim for which the department has notified the provider 76  
that the department intends to recoup the department's prior 77  
payment for the claim, for reimbursement under sections 5160.35 to 78  
5160.43 of the Revised Code for the cost of medical assistance 79  
paid on behalf of a medical assistance recipient. 80

(2) The administrator may make a payment under division 81

(D)(1) of this section if the administrator makes a reasonable  
determination that both of the following apply:

(a) The payment is for reimbursement of benefits for an  
injury or occupational disease.

(b) The injury or occupational disease is compensable, or is  
likely to be compensable, under this chapter or Chapter 4121.,  
4127., or 4131. of the Revised Code.

(3) Any payment made pursuant to this division shall be  
charged to and paid from the surplus fund account created under  
section 4123.34 of the Revised Code.

(4) Nothing in this division shall be construed as limiting  
the centers of medicare and medicaid services, the department, or  
any other entity with a lawful right to reimbursement from  
recovering sums greater than five hundred dollars.

(5) The administrator may adopt rules, with the advice and  
consent of the bureau of workers' compensation board of directors,  
to implement this division."

In line 3262, after "4123.65," insert "4123.66,"

In line 3265, delete "and"; after "4123.65" insert ", and  
4123.66"

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Funeral expenses** 102

**R.C. 4123.66** 103

Increases, from \$5,500 to \$7,500, the amount of money that 104

the Administrator of Workers' Compensation may disburse from the 105  
State Insurance Fund to pay reasonable funeral expenses when an 106  
employee dies from a compensable injury or occupational disease. 107

Sub. H.B. 80  
LSC 133 0003-3

\_\_\_\_\_ moved to amend as follows:

- In line 3 of the title, after "4123.65," insert "4131.03," 1
- In line 159, after "4123.65," insert "4131.03," 2
- After line 1190, insert: 3

"**Sec. 4131.03.** (A) For the relief of persons who are entitled 4  
to receive benefits by virtue of the federal act, there is hereby 5  
established a coal-workers pneumoconiosis fund, which shall be 6  
separate from the funds established and administered pursuant to 7  
Chapter 4123. of the Revised Code. The fund shall consist of 8  
premiums and other payments thereto by subscribers who elect to 9  
subscribe to the fund to insure the payment of benefits required 10  
by the federal act. 11

(B) The coal-workers pneumoconiosis fund shall be in the 12  
custody of the treasurer of state. The bureau of workers' 13  
compensation shall make disbursements from the fund to those 14  
persons entitled to payment therefrom and in the amounts required 15  
pursuant to sections 4131.01 to 4131.06 of the Revised Code. All 16  
investment earnings of the fund shall be credited to the fund. 17

The director of natural resources annually may request the 18  
administrator of workers' compensation to transfer a portion of 19  
the funds from the net position of the coal-workers pneumoconiosis 20

fund to the mining regulation and safety fund created in section 21  
1513.30 of the Revised Code for the purposes specified in that 22  
section. If the administrator receives a request, the 23  
administrator shall transfer an amount not to exceed one million 24  
dollars on the first day of July or as soon as possible 25  
thereafter. 26

The administrator, with the advice and consent of the bureau 27  
of workers' compensation board of directors, shall adopt rules in 28  
accordance with Chapter 119. of the Revised Code governing the 29  
transfer to ensure the solvency of the coal-workers pneumoconiosis 30  
fund. For that purpose, the administrator may establish tests in 31  
the rules based on measures of net assets, liabilities, expenses, 32  
interest, dividend income, or other factors that the administrator 33  
determines appropriate that may be applied before a transfer. 34

(C) The administrator shall have the same powers to invest 35  
any of the surplus or reserve belonging to the coal-workers 36  
pneumoconiosis fund as are delegated to the administrator under 37  
section 4123.44 of the Revised Code with respect to the state 38  
insurance fund. 39

(D) If the administrator determines that reinsurance of the 40  
risks of the coal-workers pneumoconiosis fund is necessary to 41  
assure solvency of the fund, the administrator may: 42

(1) Enter into contracts for the purchase of reinsurance 43  
coverage of the risks of the fund with any company or agency 44  
authorized by law to issue contracts of reinsurance; 45

(2) Pay the cost of reinsurance from the fund; 46

(3) Include the costs of reinsurance as a liability and 47  
estimated liability of the fund." 48

In line 3262, after "4123.65," insert "4131.03," 49

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Coal-Workers Pneumoconiosis Fund transfer** 50

**R.C. 4131.03** 51

Authorizes the Director of Natural Resources to annually 52  
request the Administrator of Workers' Compensation to transfer a 53  
portion of the net position of the Coal-Workers Pneumoconiosis 54  
Fund to the Mining Regulation and Safety Fund created in the Coal 55  
Surface Mining Law. 56

Requires the Administrator, on receiving a request from the 57  
Director, to transfer not more than \$1,000,000 by July 1 or as 58  
soon as possible thereafter. 59

Requires the Administrator, with the advice and consent of 60  
the Bureau of Workers' Compensation Board of Directors, to adopt 61  
rules governing the transfer to ensure the solvency of the 62  
Coal-Workers Pneumoconiosis Fund. 63