

As Introduced

**124th General Assembly
Regular Session
2001-2002**

H. B. No. 75

REPRESENTATIVE Williams

A B I L L

To amend sections 4121.37, 4121.47, 4121.62, 4123.25, 1
4123.291, and 4123.511 and to repeal section 2
4121.48 of the Revised Code to make appropriations 3
for the Bureau of Workers' Compensation for the 4
biennium beginning July 1, 2001, and ending June 5
30, 2003, and to provide authorization and 6
conditions for the operation of Bureau programs. 7

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

Section 1. That sections 4121.37, 4121.47, 4121.62, 4123.25, 8
4123.291, and 4123.511 of the Revised Code be amended to read as 9
follows: 10

Sec. 4121.37. The administrator of workers' compensation 11
having, by virtue of Section 35 of Article II, Ohio Constitution, 12
the expenditure of the fund therein created for the investigation 13
and prevention of industrial accidents and diseases, shall, with 14
the advice and consent of the workers' compensation oversight 15
commission, in the exercise of the administrator's authority and 16
in the performance of the administrator's duty, employ a 17
superintendent and the necessary experts, engineers, 18
investigators, clerks, and stenographers for the efficient 19
operation of a division of safety and hygiene of the bureau of 20

workers' compensation, which is hereby created. 21

~~The general assembly hereby declares that in furtherance of 22
the authority granted to the administrator pursuant to Section 35 23
of Article II, Ohio Constitution, and to encourage public 24
employers to operate and maintain safe places of employment for 25
public employees of this state, the administrator, with the advice 26
and consent of the oversight commission, may transfer funds, 27
certified as provided in section 126.07 of the Revised Code, from 28
the safety and hygiene fund to the occupational safety loan fund 29
created in section 4121.48 of the Revised Code, for the purposes 30
of that section. 31~~

The administrator of workers' compensation, with the advice 32
and consent of the oversight commission, shall pay into the safety 33
and hygiene fund, which is hereby created in the state treasury, 34
the portion of the contributions paid by employers, calculated as 35
though all employers paid premiums based upon payroll, not to 36
exceed one per cent thereof in any year, as is necessary for the 37
payment of the salary of the superintendent of the division of 38
safety and hygiene and the compensation of the other employees of 39
the division of safety and hygiene, and the expenses of 40
investigations and researches for the prevention of industrial 41
accidents and diseases. All investment ~~earning~~ earnings of the 42
fund shall be credited to the fund. The administrator has the same 43
powers to invest any of the funds belonging to the fund as are 44
delegated to the administrator under section 4123.44 of the 45
Revised Code with respect to the state insurance fund. The 46
superintendent, under the direction of the administrator, with the 47
advice and consent of the oversight commission, shall conduct 48
investigations and researches for the prevention of industrial 49
accidents and diseases, conduct loss prevention programs and 50
courses for employers, establish and administrate cooperative 51
programs with employers for the purchase of individual safety 52

equipment for employees, and print and distribute information as 53
may be of benefit to employers and employees. The administrator 54
shall pay from the safety and hygiene fund the salary of the 55
superintendent of the division of safety and hygiene, the 56
compensation of the other employees of the division of safety and 57
hygiene, the expenses necessary or incidental to investigations 58
and researches for the prevention of industrial accidents and 59
diseases, and the cost of printing and distributing such 60
information. 61

The superintendent, under the direction of the administrator, 62
shall prepare an annual report, addressed to the governor, on the 63
amount of the expenditures and the purposes for which they have 64
been made, and the results of the investigations and researches. 65
The administrator shall include the administrative costs, 66
salaries, and other expenses of the division of safety and hygiene 67
as a part of the budget of the bureau of workers' compensation 68
that is submitted to the director of budget and management and 69
shall identify those expenditures separately from other bureau 70
expenditures. 71

The superintendent shall be a competent person with at least 72
five years' experience in industrial accident or disease 73
prevention work. The superintendent and up to six positions in the 74
division of safety and hygiene as the administrator, with the 75
advice and consent of the oversight commission, designates are in 76
the unclassified civil service of the state as long as the 77
administrator, with the advice and consent of the oversight 78
commission, determines the positions subordinate to the 79
superintendent are primarily and distinctively administrative, 80
managerial, or professional in character. All other full-time 81
employees of the division of safety and hygiene are in the 82
classified civil service of the state. 83

Sec. 4121.47. (A) No employer shall violate a specific safety 84

rule adopted by the administrator of workers' compensation 85
pursuant to section 4121.13 of the Revised Code or an act of the 86
general assembly to protect the lives, health, and safety of 87
employees pursuant to Section 35 of Article II, Ohio Constitution. 88
Chapter 4167. of the Revised Code and rules and standards adopted 89
thereunder are not the rules or enactment referred to in this 90
division and shall not be considered as such for purposes of this 91
section. 92

(B) If a staff hearing officer, in the course of ~~his~~ the 93
staff hearing officer's determination of a claim for an additional 94
award under Section 35 of Article II, Ohio Constitution, finds the 95
employer guilty of violating division (A) of this section, ~~he~~ the 96
staff hearing officer shall, in addition to any award paid to the 97
claimant, issue an order to the employer to correct the violation 98
within the period of time ~~he~~ the staff hearing officer fixes. ~~For~~ 99
~~any violation occurring within twenty-four months of the last~~ 100
~~violation, the staff hearing officer shall assess against the~~ 101
~~employer a civil penalty in an amount he determines up to a~~ 102
~~maximum of fifty thousand dollars for each violation. In fixing~~ 103
~~the exact penalty, the staff hearing officer shall base his~~ 104
~~decision upon the size of the employer as measured by the number~~ 105
~~of employees, assets, and earnings of the employer.~~ 106

~~(C) An employer dissatisfied with the imposition of a civil~~ 107
~~penalty pursuant to division (B) of this section may appeal the~~ 108
~~staff hearing officer's decision, if the commission refuses to~~ 109
~~hear the appeal under division (E) of section 4123.511 of the~~ 110
~~Revised Code, or a decision of the commission, if the commission~~ 111
~~hears the appeal under that division, to a court of common pleas~~ 112
~~pursuant to the Rules of Civil Procedure. An appeal operates to~~ 113
~~stay the payment of the fine pending the appeal.~~ 114

~~(D) The administrator shall deposit all penalties collected~~ 115
~~pursuant to this section in the occupational safety loan program~~ 116

~~fund established pursuant to section 4121.48 of the Revised Code.~~

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Sec. 4121.62. (A) The authority granted to the administrator of workers' compensation pursuant to sections 4121.61 to 4121.69 of the Revised Code includes the authority to do all of the following:

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(1) Contract with any public or private person for the rendition of rehabilitation services;

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(2) Take actions and utilize money in the state insurance fund as necessary to obtain federal funds and assistance in the maximum amounts and most advantageous proportions and terms possible;

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(3) Conduct rehabilitation educational programs for employers and employees;

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(4) Establish within the bureau of workers' compensation a rehabilitation division under the supervision of a director of rehabilitation appointed by and responsible to the administrator.

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(B) The director of the division established is in the unclassified civil service of the state. The appointing authority may designate up to three positions at each facility under the jurisdiction of the division, and up to six positions in the division which are part of the director's immediate staff as being in the unclassified service of the state as long as the administrator determines that the positions are primarily and distinctively administrative, managerial, or professional. All other full-time employees of the division are in the classified civil service.

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(C) The administrator shall establish fees for use of services offered by the division of rehabilitation, including, without limitation, the expense of providing rehabilitation services, counseling, and training. The administrator shall adopt

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rules, in accordance with Chapter 119. of the Revised Code, which
establish the specific services the division offers and the amount
of the fee for those services, which amount shall be based upon
the actual cost of the division providing the services to the
employer and employee.

(D) Nothing in sections 4121.61 to 4121.69 of the Revised
Code shall be interpreted to grant authority to the administrator
to require a claimant to utilize a public provider of
rehabilitation services, counseling, or training.

~~(E) There is hereby established in the state treasury the
Camera center fund. The fund shall consist of all fees the
administrator charges persons for the use of the services of the
Camera center and all rent the center receives from its tenants.
The fund shall be used solely to pay for the provision of
rehabilitation services and expenses of the Camera center. All
investment earnings of the fund shall be credited to the fund.~~

Sec. 4123.25. (A) No employer shall knowingly misrepresent to
the bureau of workers' compensation the amount or classification
of payroll upon which the premium under this chapter is based.
Whoever violates this division shall be liable to the state in for
not more than ten times the amount of the difference in between
the premium paid and the amount the employer should have paid. The
liability to the state under this division ~~shall~~ may be enforced
in a civil action in the name of the state, and all sums collected
under this division shall be paid into the state insurance fund.

(B) No self-insuring employer shall knowingly misrepresent
the amount of paid compensation paid by such employer for purposes
of the assessments provided under this chapter and Chapter 4121.
of the Revised Code as required by section 4123.35 of the Revised
Code. Whoever violates this division is liable to the state in an

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amount ~~assessed~~ determined by the ~~self-insuring employers~~ 178
~~evaluation board pursuant to division (C) of section 4123.352 of~~ 179
~~the Revised Code or administrator for not more than~~ ten times the 180
amount of the difference between the assessment paid and the 181
amount of the assessment that should have been paid ~~along with any~~ 182
~~other penalty as determined by the board.~~ The liability to the 183
state under this division may be enforced in a civil action in the 184
name of the state and all sums collected under this division shall 185
be paid into the self-insurance assessment fund created pursuant 186
to division (K) of section 4123.35 of the Revised Code. 187

(C) The administrator of workers' compensation, with the 188
advice and consent of the workers' compensation oversight 189
commission, shall adopt rules establishing criteria for 190
determining the amount of the penalty assessed against an employer 191
for a violation of division (A) or (B) of this section. 192

Sec. 4123.291. (A) An adjudicating committee appointed by the 193
administrator of workers' compensation to hear any matter 194
specified in divisions (B)(1) to (6) of this section shall hear 195
the matter within sixty days of the date on which an employer 196
files the request, protest, or petition. An employer desiring to 197
file a request, protest, or petition regarding any matter 198
specified in divisions (B)(1) to (6) of this section shall file 199
the request, protest, or petition to the adjudicating committee on 200
or before one hundred eighty days after the administrator sends 201
notice of the determination about which the employer is filing the 202
request, protest, or petition. 203

(B) An employer who is adversely affected by a decision of an 204
adjudicating committee appointed by the administrator may appeal 205
the decision of the committee to the administrator or ~~his~~ the 206
administrator's designee. The employer shall file the appeal in 207
writing within thirty days after the employer receives the 208
decision of the adjudicating committee. The administrator or ~~his~~ 209

the designee shall hear the appeal and hold a hearing, provided 210
that the decision of the adjudicating committee relates to one of 211
the following: 212

(1) An employer request for a waiver of a default in the 213
payment of premiums pursuant to section 4123.37 of the Revised 214
Code; 215

(2) An employer request for the settlement of liability as a 216
noncomplying employer under section 4123.75 of the Revised Code; 217

(3) An employer petition objecting to the assessment of a 218
premium pursuant to section 4123.37 of the Revised Code and the 219
rules adopted pursuant to that section; 220

(4) An employer request for the abatement of penalties 221
assessed pursuant to section 4123.32 of the Revised Code and the 222
rules adopted pursuant to that section; 223

(5) An employer protest relating to an audit finding or a 224
determination of a manual classification, experience rating, or 225
transfer or combination of risk experience; 226

(6) Any decision relating to any other risk premium matter 227
under Chapters 4121., 4123., and 4131. of the Revised Code. 228

Sec. 4123.511. (A) Within seven days after receipt of any 229
claim under this chapter, the bureau of workers' compensation 230
shall notify the claimant and the employer of the claimant of the 231
receipt of the claim and of the facts alleged therein. If the 232
bureau receives from a person other than the claimant written or 233
facsimile information or information communicated verbally over 234
the telephone indicating that an injury or occupational disease 235
has occurred or been contracted which may be compensable under 236
this chapter, the bureau shall notify the employee and the 237
employer of the information. If the information is provided 238
verbally over the telephone, the person providing the information 239

shall provide written verification of the information to the 240
bureau according to division (E) of section 4123.84 of the Revised 241
Code. The receipt of the information in writing or facsimile, or 242
if initially by telephone, the subsequent written verification, 243
and the notice by the bureau shall be considered an application 244
for compensation under section 4123.84 or 4123.85 of the Revised 245
Code, provided that the conditions of division (E) of section 246
4123.84 of the Revised Code apply to information provided verbally 247
over the telephone. Upon receipt of a claim, the bureau shall 248
advise the claimant of the claim number assigned and the 249
claimant's right to representation in the processing of a claim or 250
to elect no representation. If the bureau determines that a claim 251
is determined to be a compensable lost-time claim, the bureau 252
shall notify the claimant and the employer of the availability of 253
rehabilitation services. No bureau or industrial commission 254
employee shall directly or indirectly convey any information in 255
derogation of this right. This section shall in no way abrogate 256
the bureau's responsibility to aid and assist a claimant in the 257
filing of a claim and to advise the claimant of the claimant's 258
rights under the law. 259

The administrator of workers' compensation shall assign all 260
claims and investigations to the bureau service office from which 261
investigation and determination may be made most expeditiously. 262

The bureau shall investigate the facts concerning an injury 263
or occupational disease and ascertain such facts in whatever 264
manner is most appropriate and may obtain statements of the 265
employee, employer, attending physician, and witnesses in whatever 266
manner is most appropriate. 267

The administrator, with the advice and consent of the 268
workers' compensation oversight commission, may adopt rules that 269
identify specified medical conditions that have a historical 270
record of being allowed whenever included in a claim. The 271

administrator may grant immediate allowance of any medical condition identified in those rules upon the filing of a claim involving that medical condition and may make immediate payment of medical bills for any medical condition identified in those rules that is included in a claim. If an employer contests the allowance of a claim involving any medical condition identified in those rules, and the claim is disallowed, payment for the medical condition included in that claim shall be charged to and paid from the surplus fund created under section 4123.34 of the Revised Code.

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(B)(1) Except as provided in division (B)(2) of this section, in claims other than those in which the employer is a self-insuring employer, if the administrator determines under division (A) of this section that a claimant is or is not entitled to an award of compensation or benefits, the administrator shall issue an order no later than twenty-eight days after the sending of the notice under division (A) of this section, granting or denying the payment of the compensation or benefits, or both as is appropriate to the claimant. Notwithstanding the time limitation specified in this division for the issuance of an order, if a medical examination of the claimant is required by statute, the administrator promptly shall schedule the claimant for that examination and shall issue an order no later than twenty-eight days after receipt of the report of the examination. The administrator shall notify the claimant and the employer of the claimant and their respective representatives in writing of the nature of the order and the amounts of compensation and benefit payments involved. The employer or claimant may appeal the order pursuant to division (C) of this section within fourteen days after the date of the receipt of the order. The employer and claimant may waive, in writing, their rights to an appeal under this division.

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(2) Notwithstanding the time limitation specified in division 304
(B)(1) of this section for the issuance of an order, if the 305
employer certifies a claim for payment of compensation or 306
benefits, or both, to a claimant, and the administrator has 307
completed the investigation of the claim, the payment of benefits 308
or compensation, or both, as is appropriate, shall commence upon 309
the later of the date of the certification or completion of the 310
investigation and issuance of the order by the administrator, 311
provided that the administrator shall issue the order no later 312
than the time limitation specified in division (B)(1) of this 313
section. 314

(3) If an appeal is made under division (B)(1) or (2) of this 315
section, the administrator shall forward the claim file to the 316
appropriate district hearing officer within seven days of the 317
appeal. In contested claims other than state fund claims, the 318
administrator shall forward the claim within seven days of the 319
administrator's receipt of the claim to the commission, which 320
shall refer the claim to an appropriate district hearing officer 321
for a hearing in accordance with division (C) of this section. 322

(C) If an employer or claimant timely appeals the order of 323
the administrator issued under division (B) of this section or in 324
the case of other contested claims other than state fund claims, 325
the commission shall refer the claim to an appropriate district 326
hearing officer according to rules the commission adopts under 327
section 4121.36 of the Revised Code. The district hearing officer 328
shall notify the parties and their respective representatives of 329
the time and place of the hearing. 330

The district hearing officer shall hold a hearing on a 331
disputed issue or claim within forty-five days after the filing of 332
the appeal under this division and issue a decision within seven 333
days after holding the hearing. The district hearing officer shall 334
notify the parties and their respective representatives in writing 335

of the order. Any party may appeal an order issued under this
division pursuant to division (D) of this section within fourteen
days after receipt of the order under this division.

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(D) Upon the timely filing of an appeal of the order of the
district hearing officer issued under division (C) of this
section, the commission shall refer the claim file to an
appropriate staff hearing officer according to its rules adopted
under section 4121.36 of the Revised Code. The staff hearing
officer shall hold a hearing within forty-five days after the
filing of an appeal under this division and issue a decision
within seven days after holding the hearing under this division.
The staff hearing officer shall notify the parties and their
respective representatives in writing of the staff hearing
officer's order. Any party may appeal an order issued under this
division pursuant to division (E) of this section within fourteen
days after receipt of the order under this division.

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(E) Upon the filing of a timely appeal of the order of the
staff hearing officer issued under division (D) of this section,
the commission or a designated staff hearing officer, on behalf of
the commission, shall determine whether the commission will hear
the appeal. If the commission or the designated staff hearing
officer decides to hear the appeal, the commission or the
designated staff hearing officer shall notify the parties and
their respective representatives in writing of the time and place
of the hearing. The commission shall hold the hearing within
forty-five days after the filing of the notice of appeal and,
within seven days after the conclusion of the hearing, the
commission shall issue its order affirming, modifying, or
reversing the order issued under division (D) of this section. The
commission shall notify the parties and their respective
representatives in writing of the order. If the commission or the
designated staff hearing officer determines not to hear the

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appeal, within fourteen days after the filing of the notice of
appeal, the commission or the designated staff hearing officer
shall issue an order to that effect and notify the parties and
their respective representatives in writing of that order.

Except as otherwise provided in this chapter and Chapters
4121., 4127., and 4131. of the Revised Code, any party may appeal
an order issued under this division to the court pursuant to
section 4123.512 of the Revised Code within sixty days after
receipt of the order, subject to the limitations contained in that
section.

(F) Every notice of an appeal from an order issued under
divisions (B), (C), (D), and (E) of this section shall state the
names of the claimant and employer, the number of the claim, the
date of the decision appealed from, and the fact that the
appellant appeals therefrom.

(G) All of the following apply to the proceedings under
divisions (C), (D), and (E) of this section:

(1) The parties shall proceed promptly and without
continuances except for good cause;

(2) The parties, in good faith, shall engage in the free
exchange of information relevant to the claim prior to the conduct
of a hearing according to the rules the commission adopts under
section 4121.36 of the Revised Code;

(3) The administrator is a party and may appear and
participate at all administrative proceedings on behalf of the
state insurance fund. However, in cases in which the employer is
represented, the administrator shall neither present arguments nor
introduce testimony that is cumulative to that presented or
introduced by the employer or the employer's representative. The
administrator may file an appeal under this section on behalf of
the state insurance fund; however, except in cases arising under

section 4123.343 of the Revised Code, the administrator only may 499
appeal questions of law or issues of fraud when the employer 400
appears in person or by representative. 401

(H) Except as provided in section 4121.63 of the Revised Code 402
and division (J) of this section, payments of compensation to a 403
claimant or on behalf of a claimant as a result of any order 404
issued under this chapter shall commence upon the earlier of the 405
following: 406

(1) Fourteen days after the date the administrator issues an 407
order under division (B) of this section, unless that order is 408
appealed; 409

(2) The date when the employer has waived the right to appeal 410
a decision issued under division (B) of this section; 411

(3) If no appeal of an order has been filed under this 412
section or to a court under section 4123.512 of the Revised Code, 413
the expiration of the time limitations for the filing of an appeal 414
of an order; 415

(4) The date of receipt by the employer of an order of a 416
district hearing officer, a staff hearing officer, or the 417
industrial commission issued under division (C), (D), or (E) of 418
this section. 419

(I) No medical benefits payable under this chapter or Chapter 420
4121., 4127., or 4131. of the Revised Code are payable until the 421
earlier of the following: 422

(1) The date of the issuance of the staff hearing officer's 423
order under division (D) of this section; 424

(2) The date of the final administrative or judicial 425
determination. 426

(J) Upon the final administrative or judicial determination 427
under this section or section 4123.512 of the Revised Code of an 428

appeal of an order to pay compensation, if a claimant is found to
have received compensation pursuant to a prior order which is
reversed upon subsequent appeal, the claimant's employer, if a
self-insuring employer, or the bureau, shall withhold from any
amount to which the claimant becomes entitled pursuant to any
claim, past, present, or future, under Chapter 4121., 4123.,
4127., or 4131. of the Revised Code, the amount of previously paid
compensation to the claimant which, due to reversal upon appeal,
the claimant is not entitled, pursuant to the following criteria:

(1) No withholding for the first twelve weeks of temporary
total disability compensation pursuant to section 4123.56 of the
Revised Code shall be made;

(2) Forty per cent of all awards of compensation paid
pursuant to sections 4123.56 and 4123.57 of the Revised Code,
until the amount overpaid is refunded;

(3) Twenty-five per cent of any compensation paid pursuant to
section 4123.58 of the Revised Code until the amount overpaid is
refunded;

(4) If, pursuant to an appeal under section 4123.512 of the
Revised Code, the court of appeals or the supreme court reverses
the allowance of the claim, then no amount of any compensation
will be withheld.

The administrator and self-insuring employers, as
appropriate, are subject to the repayment schedule of this
division only with respect to an order to pay compensation that
was properly paid under a previous order, but which is
subsequently reversed upon an administrative or judicial appeal.
The administrator and self-insuring employers are not subject to,
but may utilize, the repayment schedule of this division, or any
other lawful means, to collect payment of compensation made to a
person who was not entitled to the compensation due to fraud as

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determined by the administrator or the industrial commission. 460

(K) If a staff hearing officer or the commission fails to 461
issue a decision or the commission fails to refuse to hear an 462
appeal within the time periods required by this section, payments 463
to a claimant shall cease until the staff hearing officer or 464
commission issues a decision or hears the appeal, unless the 465
failure was due to the fault or neglect of the employer or the 466
employer agrees that the payments should continue for a longer 467
period of time. 468

(L) Except as otherwise provided in this section or section 469
4123.522 of the Revised Code, no appeal is timely filed under this 470
section unless the appeal is filed with the time limits set forth 471
in this section. 472

(M) No person who is not an employee of the bureau or 473
commission or who is not by law given access to the contents of a 474
claims file shall have a file in the person's possession. 475

(N) Upon application of a party who resides in an area in 476
which an emergency or disaster is declared, the industrial 477
commission and hearing officers of the commission may waive the 478
time frame within which claims and appeals of claims set forth in 479
this section must be filed upon a finding that the applicant was 480
unable to comply with a filing deadline due to an emergency or a 481
disaster. 482

As used in this division: 483

(1) "Emergency" means any occasion or instance for which the 484
governor of Ohio or the president of the United States publicly 485
declares an emergency and orders state or federal assistance to 486
save lives and protect property, the public health and safety, or 487
to lessen or avert the threat of a catastrophe. 488

(2) "Disaster" means any natural catastrophe or fire, flood, 489
or explosion, regardless of the cause, that causes damage of 490

sufficient magnitude that the governor of Ohio or the president of 491
the United States, through a public declaration, orders state or 492
federal assistance to alleviate damage, loss, hardship, or 493
suffering that results from the occurrence. 494

Section 2. That existing sections 4121.37, 4121.47, 4121.62, 495
4123.25, 4123.291, and 4123.511 and section 4121.48 of the Revised 496
Code are hereby repealed. 497

Section 3. The Administrator of Workers' Compensation shall 498
submit a series of reports to the Workers' Compensation Oversight 499
Commission, the Office of Budget and Management, the Legislative 500
Service Commission, and the General Assembly semiannually during 501
the 2001-2003 biennium, beginning on or before October 1, 2001, 502
containing information relative to all of the following: 503

(A) The premium cost per worker, which reports the average 504
annual cost a state fund employer pays to provide workers' 505
compensation coverage for its employees. The premium cost per 506
worker is calculated by adding together an employer's total 507
amounts of premiums and assessments paid during a calendar year 508
and dividing that sum by the employer's average number of workers. 509

(B) The claims cost per worker, which reports the average 510
annual benefit cost paid for each worker who is employed by a 511
state fund employer during the preceding twelve months. The claims 512
cost per worker is calculated by dividing an employer's total 513
claim expenses paid during the preceding twelve months by the 514
employer's average number of workers. 515

(C) The administrative cost per claim, which reports the 516
average annual administrative expense a state fund employer pays 517
to process a claim. The administrative cost per claim is 518
calculated by dividing an employer's total amount of 519
administrative expenses incurred during the preceding twelve 520

months by the total number of claims the employer processed.	521
(D) The direct loss ratio, which measures the relationship between an employer's revenues and workers' compensation benefits paid to an injured worker during the preceding twelve months;	522 523 524
(E) The rate of return generated by investments of the Bureau of Workers' Compensation;	525 526
(F) The customer service index, which accounts for various statistical measures reflecting the bureau's customer service levels;	527 528 529
(G) The Health Partnership Program performance index, which measures the effectiveness of managed care organizations working for the bureau and reflects the quality of care, customer satisfaction, and cost of care provided by the managed care organizations;	530 531 532 533 534
(H) The rate of injury in the state per 1,000 workers;	535
(I) The average and median number of days the bureau takes to adjudicate an injured worker's medical bill fee;	536 537
(J) The return-to-work rate of state fund employers' injured workers who do not receive workers' compensation benefits for at least ninety days following their injury, which reports the number of injured workers who returned to work as a percentage of total injuries;	538 539 540 541 542
(K) The average number of days it takes for an employer or injured worker to report an injury to the bureau, which is calculated by taking the average number of days between the date of injury and the date the claim was filed with the bureau;	543 544 545 546
(L) The percentage of indemnity claims adjudicated by the bureau within fourteen days of the injury.	547 548
Section 4. All items in this section are appropriated out of	549

any moneys in the state treasury to the credit of the designated 550
fund. For all appropriations made in this act, those in the first 551
column are for fiscal year 2002, and those in the second column 552
are for fiscal year 2003. 553

BWC BUREAU OF WORKERS' COMPENSATION 554

FND ALI	ALI TITLE		FY 2002	FY 2003	555
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Workers' Compensation Fund Group 556

4Y6 855-612	J.L. Camera Center	\$	500,000	\$	0	557
	Operating					

023 855-401	William Green Lease	\$	17,570,700	\$	18,174,700	558
	Payments to OBA					

023 855-407	Claims, Risk & Medical	\$	133,919,528	\$	141,539,537	559
	Management					

023 855-408	Fraud Prevention	\$	10,698,376	\$	11,713,797	560
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023 855-409	Administrative	\$	117,121,527	\$	119,884,053	561
	Services					

023 855-410	Attorney General	\$	4,078,273	\$	4,314,644	562
	Payments					

822 855-606	Coal Workers' Fund	\$	86,465	\$	91,894	563
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823 855-608	Marine Industry	\$	50,755	\$	53,952	564
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825 855-605	Disabled Workers	\$	668,280	\$	693,764	565
	Relief Fund					

826 855-609	Safety & Hygiene	\$	18,888,294	\$	20,130,820	566
	Operating					

TOTAL WCF Workers' Compensation 567

Fund Group	\$	303,582,198	\$	316,597,161	568
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TOTAL ALL BUDGET FUND GROUPS	\$	303,582,198	\$	316,597,161	569
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SAFETY AND HYGIENE 570

Notwithstanding section 4121.37 of the Revised Code, the 571
Administrator of Workers' Compensation shall transfer moneys from 572
the State Insurance Fund so that appropriation item 855-609, 573
Safety and Hygiene Operating, is provided \$18,888,294 in fiscal 574

year 2002 and \$20,130,820 in fiscal year 2003. 575

WORKERS' COMPENSATION FRAUD UNIT 576

The Workers' Compensation Section Fund (Fund 195) shall 577
receive payments from the Bureau of Workers' Compensation at the 578
beginning of each quarter of each fiscal year to fund expenses of 579
the Workers' Compensation Fraud Unit of the Attorney General's 580
Office. Of the foregoing appropriation item 855-410, Attorney 581
General Payments, \$751,694 in fiscal year 2002 and \$773,151 in 582
fiscal year 2003 shall be used to provide these payments. 583

WILLIAM GREEN LEASE PAYMENTS 584

The foregoing appropriation item 855-401, William Green Lease 585
Payments to OBA, shall be used for lease payments to the Ohio 586
Building Authority, and these appropriations shall be used to meet 587
all payments at the times they are required to be made during the 588
period from July 1, 2001, to June 30, 2003, by the Bureau of 589
Workers' Compensation to the Ohio Building Authority pursuant to 590
leases and agreements made under Chapter 152. of the Revised Code 591
and Section 6 of Am. Sub. H.B. 743 of the 118th General Assembly. 592
Of the amounts received in Fund 023, appropriation item 855-401, 593
up to \$35,745,400 shall be restricted for lease rental payments to 594
the Ohio Building Authority. If it is determined that additional 595
appropriations are necessary for such purpose, such amounts are 596
hereby appropriated. 597

Notwithstanding any other provision of law to the contrary, 598
all tenants of the William Green Building not funded by the 599
Workers' Compensation Fund (Fund 023) shall pay their fair share 600
of the costs of lease payments to the Workers' Compensation Fund 601
(Fund 023) by intrastate transfer voucher. 602

CAMERA CENTER 603

The Camera Center Fund (Fund 4Y6) created in division (F) of 604
section 4121.62 of the Revised Code shall receive revenues raised 605

by the fees the Camera Center charges for its services and rent
paid by tenants of the Center's facilities. The foregoing
appropriation item 855-612, J.L. Camera Center Operating, shall be
used for expenses related to the closing of the center. On January
1, 2002, or as soon thereafter as possible, the Director of Budget
and Management shall transfer the cash balance in the Camera
Center Fund (Fund 4Y6) to the Administrative Fund (Fund 023). The
director shall cancel any existing encumbrances against
appropriation items 855-611, J.L. Camera Center Rent, and 855-612,
J.L. Camera Center Operating, and reestablish them against
appropriation item 855-409, Administrative Services (Fund 023).
These amounts are hereby appropriated.

The Bureau of Workers' Compensation shall not consider
appropriations made to the Camera Center Fund (Fund 4Y6) when
establishing administrative cost rates.

OCCUPATIONAL SAFETY LOAN FUND

Not later than January 1, 2002, the Administrator of Workers'
Compensation shall transfer the cash balance in the Occupational
Safety Loan Fund established in former section 4121.48 of the
Revised Code to the Safety and Hygiene Fund (Fund 826) created in
section 4121.37 of the Revised Code.

BALANCES

Notwithstanding any provision of law to the contrary, the
Director of Budget and Management shall make any transfers of cash
balances between funds made necessary by the creation of new funds
or the consolidation of funds as authorized by the General
Assembly. Within the first five days after the effective date of
this section, the administering agency head shall certify to the
director an estimate of the amount of the cash balance to be
transferred to the receiving fund. The director may transfer the
estimated amount when needed to make payments. Within thirty days

after the effective date of this section, the administering agency 637
head shall certify the final amount to the director. The director 638
shall transfer the difference between any estimated amount 639
previously transferred and such certified final amount. 640

To implement funding changes as described above pertaining to 641
prior year encumbrance balances and commensurate appropriation 642
authority, in fiscal year 2002 the Director of Budget and 643
Management may cancel encumbrances outstanding on June 30, 2001, 644
and reestablish such prior year encumbrances or parts of 645
encumbrances as needed in fiscal year 2002 in the appropriate fund 646
or appropriation item as authorized in this act for the same 647
purpose and to the same vendor. As determined by the director, the 648
appropriation authority necessary to reestablish such prior year 649
encumbrances in fiscal year 2000 in a different fund or 650
appropriation item within an agency or between agencies is 651
authorized. The director shall reduce each prior year's 652
appropriation authority by the amount of the encumbrances canceled 653
in their respective funds and appropriation items. 654

VOCATIONAL REHABILITATION 655

The Bureau of Workers' Compensation and the Rehabilitation 656
Services Commission shall enter into an interagency agreement for 657
the provision of vocational rehabilitation services and staff to 658
mutually eligible clients. The bureau shall provide \$554,033 in 659
fiscal year 2002 and \$570,654 in fiscal year 2003 from the State 660
Insurance Fund to fund vocational rehabilitation services and 661
staff in accordance with the interagency agreement. 662

FUND BALANCE 663

Any unencumbered cash balance in excess of \$45,000,000 in the 664
Workers' Compensation Fund (Fund 023) on the thirtieth day of June 665
of each fiscal year shall be used to reduce the administrative 666
cost rate charged to employers to cover appropriations for Bureau 667

of Workers' Compensation and Industrial Commission operations.

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Section 5. LAW GENERALLY APPLICABLE TO APPROPRIATIONS

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Law contained in the main operating appropriations act of the
124th General Assembly that applies generally to the
appropriations made in that act also applies generally to the
appropriations made in this act.

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Section 6. The codified sections of law amended in this act,
and the items of law of which the codified sections of law amended
in this act are composed, are subject to the referendum.
Therefore, under Ohio Constitution, Article II, Section 1c and
section 1.471 of the Revised Code, the codified sections of law
amended by this act, and the items of law of which the codified
sections of law as amended by this act are composed, take effect
on the ninety-first day after this act is filed with the Secretary
of State. If, however, a referendum petition is filed against any
such codified section of law as amended by this act, or against
any item of law of which any such codified section of law as
amended by this act is composed, the codified section of law as
amended, or item of law, unless rejected at the referendum, takes
effect at the earliest time permitted by law.

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Section 7. The repeal by this act of a codified section of
law is subject to the referendum. Therefore, under Ohio
Constitution, Article II, Section 1c and section 1.471 of the
Revised Code, the repeal takes effect on the ninety-first day
after this act is filed with the Secretary of State. If, however,
a referendum petition is filed against the repeal, the repeal,
unless rejected at the referendum, takes effect at the earliest
time permitted by law.

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Section 8. Section 4121.62 of the Revised Code, as amended by

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this act, is subject to the referendum and takes effect January 1, 697
2002. 698

This section is subject to the referendum, together with 699
section 4121.62 of the Revised Code as amended by this act. 700

Section 9. The uncodified sections of law enacted in this 701
act, and the items of law of which the uncodified sections of law 702
enacted in this act are composed, are not subject to the 703
referendum. Therefore, under Ohio Constitution, Article II, 704
Section 1d and section 1.471 of the Revised Code, the uncodified 705
sections of law enacted in this act, and the items of law of which 706
the uncodified sections of law enacted in this act are composed, 707
go into immediate effect when this act becomes law. 708

Section 10. If the amendment in this act of a codified 709
section of law is subject to the referendum, the corresponding 710
indications in the amending and existing repeal clauses commanding 711
the amendment also are subject to the referendum, along with the 712
amendment. 713

Section 11. An item, other than an amending or repealing 714
clause, that composes the whole or part of an uncodified section 715
contained in this act has no effect after June 30, 2003, unless 716
its context clearly indicates otherwise. 717

Section 12. If any item of law that constitutes the whole or 718
part of a codified or uncodified section of law contained in this 719
act, or if any application of any item of law that constitutes the 720
whole or part of a codified or uncodified section of law contained 721
in this act, is held invalid, the invalidity does not affect other 722
items of law or applications of items of law that can be given 723
effect without the invalid item of law or application. To this 724

end, the items of law of which the codified and uncodified	725
sections contained in this act are composed, and their	726
applications, are independent and severable.	727