

**As Reported by the House Finance and Appropriations
Committee**

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

Sub. H. B. No. 75

**REPRESENTATIVES Williams, Jones, Carey, Core, Hoops, Calvert, Allen,
D. Miller, Oakar, Faber, Evans, Buehrer, Barrett, R. Miller, Schmidt,
Womer Benjamin, Grendell**

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

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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~~ the staff hearing officer 102
determines up to a maximum of fifty thousand dollars for each 103
violation. In fixing the exact penalty, the staff hearing officer 104
shall base ~~his~~ the decision upon the size of the employer as 105
measured by the number of employees, assets, and earnings of the 106
employer. 107

(C) An employer dissatisfied with the imposition of a civil 108
penalty pursuant to division (B) of this section may appeal the 109
staff hearing officer's decision, if the commission refuses to 110
hear the appeal under division (E) of section 4123.511 of the 111
Revised Code, or a decision of the commission, if the commission 112

hears the appeal under that division, to a court of common pleas
pursuant to the Rules of Civil Procedure. An appeal operates to
stay the payment of the fine pending the appeal.

(D) The administrator shall deposit all penalties collected
pursuant to this section in the ~~occupational safety loan program~~
safety and hygiene fund established pursuant to section ~~4121.48~~
4121.37 of the Revised Code.

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:

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

(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;

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

(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.

(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
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.

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(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.

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~~(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.~~

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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 an
amount determined by the administrator of workers' compensation
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

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collected under this division shall be paid into the state 174
insurance fund. 175

(B) No self-insuring employer shall knowingly misrepresent 176
the amount of paid compensation paid by such employer for purposes 177
of the assessments provided under this chapter and Chapter 4121. 178
of the Revised Code as required by section 4123.35 of the Revised 179
Code. Whoever violates this division is liable to the state in an 180
amount ~~assessed~~ determined by the self-insuring employers 181
evaluation board pursuant to division (C) of section 4123.352 of 182
the Revised Code or for an amount the board determines that is not 183
more than ten times the amount of the difference between the 184
assessment paid and the amount of the assessment that should have 185
been paid ~~along with any other penalty as determined by the board.~~ 186
The liability to the state under this division may be enforced in 187
a civil action in the name of the state and all sums collected 188
under this division shall be paid into the self-insurance 189
assessment fund created pursuant to division (K) of section 190
4123.35 of the Revised Code. 191

(C) The administrator of workers' compensation, with the 192
advice and consent of the workers' compensation oversight 193
commission, shall adopt rules establishing criteria for 194
determining both of the following: 195

(1) The amount of the penalty assessed against an employer 196
for a violation of division (A) of this section; 197

(2) Acts or omissions that do not constitute a violation of 198
division (A) or (B) of this section. 199

Sec. 4123.291. (A) An adjudicating committee appointed by the 200
administrator of workers' compensation to hear any matter 201
specified in divisions (B)(1) to (6) of this section shall hear 202
the matter within sixty days of the date on which an employer 203
files the request, protest, or petition. An employer desiring to 204

file a request, protest, or petition regarding any matter 205
specified in divisions (B)(1) to (6) of this section shall file 206
the request, protest, or petition to the adjudicating committee on 207
or before one hundred eighty days after the administrator sends 208
notice of the determination about which the employer is filing the 209
request, protest, or petition. 210

(B) An employer who is adversely affected by a decision of an 211
adjudicating committee appointed by the administrator may appeal 212
the decision of the committee to the administrator or ~~his~~ the 213
administrator's designee. The employer shall file the appeal in 214
writing within thirty days after the employer receives the 215
decision of the adjudicating committee. The administrator or ~~his~~ 216
the designee shall hear the appeal and hold a hearing, provided 217
that the decision of the adjudicating committee relates to one of 218
the following: 219

(1) An employer request for a waiver of a default in the 220
payment of premiums pursuant to section 4123.37 of the Revised 221
Code; 222

(2) An employer request for the settlement of liability as a 223
noncomplying employer under section 4123.75 of the Revised Code; 224

(3) An employer petition objecting to the assessment of a 225
premium pursuant to section 4123.37 of the Revised Code and the 226
rules adopted pursuant to that section; 227

(4) An employer request for the abatement of penalties 228
assessed pursuant to section 4123.32 of the Revised Code and the 229
rules adopted pursuant to that section; 230

(5) An employer protest relating to an audit finding or a 231
determination of a manual classification, experience rating, or 232
transfer or combination of risk experience; 233

(6) Any decision relating to any other risk premium matter 234
under Chapters 4121., 4123., and 4131. of the Revised Code. 235

Sec. 4123.511. (A) Within seven days after receipt of any 236
claim under this chapter, the bureau of workers' compensation 237
shall notify the claimant and the employer of the claimant of the 238
receipt of the claim and of the facts alleged therein. If the 239
bureau receives from a person other than the claimant written or 240
facsimile information or information communicated verbally over 241
the telephone indicating that an injury or occupational disease 242
has occurred or been contracted which may be compensable under 243
this chapter, the bureau shall notify the employee and the 244
employer of the information. If the information is provided 245
verbally over the telephone, the person providing the information 246
shall provide written verification of the information to the 247
bureau according to division (E) of section 4123.84 of the Revised 248
Code. The receipt of the information in writing or facsimile, or 249
if initially by telephone, the subsequent written verification, 250
and the notice by the bureau shall be considered an application 251
for compensation under section 4123.84 or 4123.85 of the Revised 252
Code, provided that the conditions of division (E) of section 253
4123.84 of the Revised Code apply to information provided verbally 254
over the telephone. Upon receipt of a claim, the bureau shall 255
advise the claimant of the claim number assigned and the 256
claimant's right to representation in the processing of a claim or 257
to elect no representation. If the bureau determines that a claim 258
is determined to be a compensable lost-time claim, the bureau 259
shall notify the claimant and the employer of the availability of 260
rehabilitation services. No bureau or industrial commission 261
employee shall directly or indirectly convey any information in 262
derogation of this right. This section shall in no way abrogate 263
the bureau's responsibility to aid and assist a claimant in the 264
filing of a claim and to advise the claimant of the claimant's 265
rights under the law. 266

The administrator of workers' compensation shall assign all 267

claims and investigations to the bureau service office from which 268
investigation and determination may be made most expeditiously. 269

The bureau shall investigate the facts concerning an injury 270
or occupational disease and ascertain such facts in whatever 271
manner is most appropriate and may obtain statements of the 272
employee, employer, attending physician, and witnesses in whatever 273
manner is most appropriate. 274

The administrator, with the advice and consent of the 275
workers' compensation oversight commission, may adopt rules that 276
identify specified medical conditions that have a historical 277
record of being allowed whenever included in a claim. The 278
administrator may grant immediate allowance of any medical 279
condition identified in those rules upon the filing of a claim 280
involving that medical condition and may make immediate payment of 281
medical bills for any medical condition identified in those rules 282
that is included in a claim. If an employer contests the allowance 283
of a claim involving any medical condition identified in those 284
rules, and the claim is disallowed, payment for the medical 285
condition included in that claim shall be charged to and paid from 286
the surplus fund created under section 4123.34 of the Revised 287
Code. 288

(B)(1) Except as provided in division (B)(2) of this section, 289
in claims other than those in which the employer is a 290
self-insuring employer, if the administrator determines under 291
division (A) of this section that a claimant is or is not entitled 292
to an award of compensation or benefits, the administrator shall 293
issue an order no later than twenty-eight days after the sending 294
of the notice under division (A) of this section, granting or 295
denying the payment of the compensation or benefits, or both as is 296
appropriate to the claimant. Notwithstanding the time limitation 297
specified in this division for the issuance of an order, if a 298
medical examination of the claimant is required by statute, the 299

administrator promptly shall schedule the claimant for that 300
examination and shall issue an order no later than twenty-eight 301
days after receipt of the report of the examination. The 302
administrator shall notify the claimant and the employer of the 303
claimant and their respective representatives in writing of the 304
nature of the order and the amounts of compensation and benefit 305
payments involved. The employer or claimant may appeal the order 306
pursuant to division (C) of this section within fourteen days 307
after the date of the receipt of the order. The employer and 308
claimant may waive, in writing, their rights to an appeal under 309
this division. 310

(2) Notwithstanding the time limitation specified in division 311
(B)(1) of this section for the issuance of an order, if the 312
employer certifies a claim for payment of compensation or 313
benefits, or both, to a claimant, and the administrator has 314
completed the investigation of the claim, the payment of benefits 315
or compensation, or both, as is appropriate, shall commence upon 316
the later of the date of the certification or completion of the 317
investigation and issuance of the order by the administrator, 318
provided that the administrator shall issue the order no later 319
than the time limitation specified in division (B)(1) of this 320
section. 321

(3) If an appeal is made under division (B)(1) or (2) of this 322
section, the administrator shall forward the claim file to the 323
appropriate district hearing officer within seven days of the 324
appeal. In contested claims other than state fund claims, the 325
administrator shall forward the claim within seven days of the 326
administrator's receipt of the claim to the commission, which 327
shall refer the claim to an appropriate district hearing officer 328
for a hearing in accordance with division (C) of this section. 329

(C) If an employer or claimant timely appeals the order of 330
the administrator issued under division (B) of this section or in 331

the case of other contested claims other than state fund claims,
the commission shall refer the claim to an appropriate district
hearing officer according to rules the commission adopts under
section 4121.36 of the Revised Code. The district hearing officer
shall notify the parties and their respective representatives of
the time and place of the hearing.

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

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officer decides to hear the appeal, the commission or the 364
designated staff hearing officer shall notify the parties and 365
their respective representatives in writing of the time and place 366
of the hearing. The commission shall hold the hearing within 367
forty-five days after the filing of the notice of appeal and, 368
within seven days after the conclusion of the hearing, the 369
commission shall issue its order affirming, modifying, or 370
reversing the order issued under division (D) of this section. The 371
commission shall notify the parties and their respective 372
representatives in writing of the order. If the commission or the 373
designated staff hearing officer determines not to hear the 374
appeal, within fourteen days after the filing of the notice of 375
appeal, the commission or the designated staff hearing officer 376
shall issue an order to that effect and notify the parties and 377
their respective representatives in writing of that order. 378

Except as otherwise provided in this chapter and Chapters 379
4121., 4127., and 4131. of the Revised Code, any party may appeal 380
an order issued under this division to the court pursuant to 381
section 4123.512 of the Revised Code within sixty days after 382
receipt of the order, subject to the limitations contained in that 383
section. 384

(F) Every notice of an appeal from an order issued under 385
divisions (B), (C), (D), and (E) of this section shall state the 386
names of the claimant and employer, the number of the claim, the 387
date of the decision appealed from, and the fact that the 388
appellant appeals therefrom. 389

(G) All of the following apply to the proceedings under 390
divisions (C), (D), and (E) of this section: 391

(1) The parties shall proceed promptly and without 392
continuances except for good cause; 393

(2) The parties, in good faith, shall engage in the free 394

exchange of information relevant to the claim prior to the conduct 395
of a hearing according to the rules the commission adopts under 396
section 4121.36 of the Revised Code; 397

(3) The administrator is a party and may appear and 398
participate at all administrative proceedings on behalf of the 399
state insurance fund. However, in cases in which the employer is 400
represented, the administrator shall neither present arguments nor 401
introduce testimony that is cumulative to that presented or 402
introduced by the employer or the employer's representative. The 403
administrator may file an appeal under this section on behalf of 404
the state insurance fund; however, except in cases arising under 405
section 4123.343 of the Revised Code, the administrator only may 406
appeal questions of law or issues of fraud when the employer 407
appears in person or by representative. 408

(H) Except as provided in section 4121.63 of the Revised Code 409
and division (J) of this section, payments of compensation to a 410
claimant or on behalf of a claimant as a result of any order 411
issued under this chapter shall commence upon the earlier of the 412
following: 413

(1) Fourteen days after the date the administrator issues an 414
order under division (B) of this section, unless that order is 415
appealed; 416

(2) The date when the employer has waived the right to appeal 417
a decision issued under division (B) of this section; 418

(3) If no appeal of an order has been filed under this 419
section or to a court under section 4123.512 of the Revised Code, 420
the expiration of the time limitations for the filing of an appeal 421
of an order; 422

(4) The date of receipt by the employer of an order of a 423
district hearing officer, a staff hearing officer, or the 424
industrial commission issued under division (C), (D), or (E) of 425

this section. 426

(I) No medical benefits payable under this chapter or Chapter 427
4121., 4127., or 4131. of the Revised Code are payable until the 428
earlier of the following: 429

(1) The date of the issuance of the staff hearing officer's 430
order under division (D) of this section; 431

(2) The date of the final administrative or judicial 432
determination. 433

(J) Upon the final administrative or judicial determination 434
under this section or section 4123.512 of the Revised Code of an 435
appeal of an order to pay compensation, if a claimant is found to 436
have received compensation pursuant to a prior order which is 437
reversed upon subsequent appeal, the claimant's employer, if a 438
self-insuring employer, or the bureau, shall withhold from any 439
amount to which the claimant becomes entitled pursuant to any 440
claim, past, present, or future, under Chapter 4121., 4123., 441
4127., or 4131. of the Revised Code, the amount of previously paid 442
compensation to the claimant which, due to reversal upon appeal, 443
the claimant is not entitled, pursuant to the following criteria: 444

(1) No withholding for the first twelve weeks of temporary 445
total disability compensation pursuant to section 4123.56 of the 446
Revised Code shall be made; 447

(2) Forty per cent of all awards of compensation paid 448
pursuant to sections 4123.56 and 4123.57 of the Revised Code, 449
until the amount overpaid is refunded; 450

(3) Twenty-five per cent of any compensation paid pursuant to 451
section 4123.58 of the Revised Code until the amount overpaid is 452
refunded; 453

(4) If, pursuant to an appeal under section 4123.512 of the 454
Revised Code, the court of appeals or the supreme court reverses 455

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
determined by the administrator or the industrial commission.

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

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

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

(N) Upon application of a party who resides in an area in
which an emergency or disaster is declared, the industrial
commission and hearing officers of the commission may waive the
time frame within which claims and appeals of claims set forth in

this section must be filed upon a finding that the applicant was
unable to comply with a filing deadline due to an emergency or a
disaster.

As used in this division:

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

(2) "Disaster" means any natural catastrophe or fire, flood,
or explosion, regardless of the cause, that causes damage of
sufficient magnitude that the governor of Ohio or the president of
the United States, through a public declaration, orders state or
federal assistance to alleviate damage, loss, hardship, or
suffering that results from the occurrence.

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

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

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

(B) The claims cost per worker, which reports the average 517
annual benefit cost paid for each worker who is employed by a 518
state fund employer during the preceding twelve months. The claims 519
cost per worker is calculated by dividing an employer's total 520
claim expenses paid during the preceding twelve months by the 521
employer's average number of workers. 522

(C) The administrative cost per claim, which reports the 523
average annual administrative expense a state fund employer pays 524
to process a claim. The administrative cost per claim is 525
calculated by dividing an employer's total amount of 526
administrative expenses incurred during the preceding twelve 527
months by the total number of claims the employer processed. 528

(D) The direct loss ratio, which measures the relationship 529
between an employer's revenues and workers' compensation benefits 530
paid to an injured worker during the preceding twelve months; 531

(E) The rate of return generated by investments of the Bureau 532
of Workers' Compensation; 533

(F) The customer service index, which accounts for various 534
statistical measures reflecting the bureau's customer service 535
levels; 536

(G) The Health Partnership Program performance index, which 537
measures the effectiveness of managed care organizations working 538
for the bureau and reflects the quality of care, customer 539
satisfaction, and cost of care provided by the managed care 540
organizations; 541

(H) The rate of injury in the state per 1,000 workers; 542

(I) The average and median number of days the bureau takes to 543
adjudicate an injured worker's medical bill fee; 544

(J) The return-to-work rate of state fund employers' injured 545
workers who do not receive workers' compensation benefits for at 546

least ninety days following their injury, which reports the number 547
of injured workers who returned to work as a percentage of total 548
injuries; 549

(K) The average number of days it takes for an employer or 550
injured worker to report an injury to the bureau, which is 551
calculated by taking the average number of days between the date 552
of injury and the date the claim was filed with the bureau; 553

(L) The percentage of indemnity claims adjudicated by the 554
bureau within fourteen days of the injury. 555

Section 4. All items in this section are appropriated out of 556
any moneys in the state treasury to the credit of the designated 557
fund. For all appropriations made in this act, those in the first 558
column are for fiscal year 2002, and those in the second column 559
are for fiscal year 2003. 560

BWC BUREAU OF WORKERS' COMPENSATION 561

FND ALI	ALI TITLE	FY 2002	FY 2003	
Workers' Compensation Fund Group				563
4Y6 855-612	J.L. Camera Center	\$ 500,000	\$ 0	564
	Operating			
023 855-401	William Green Lease	\$ 17,570,700	\$ 18,174,700	565
	Payments to OBA			
023 855-407	Claims, Risk & Medical	\$ 133,919,528	\$ 141,539,537	566
	Management			
023 855-408	Fraud Prevention	\$ 10,698,376	\$ 11,713,797	567
023 855-409	Administrative	\$ 117,121,527	\$ 119,884,053	568
	Services			
023 855-410	Attorney General	\$ 4,078,273	\$ 4,314,644	569
	Payments			
822 855-606	Coal Workers' Fund	\$ 86,465	\$ 91,894	570
823 855-608	Marine Industry	\$ 50,755	\$ 53,952	571
825 855-605	Disabled Workers	\$ 668,280	\$ 693,764	572

Relief Fund					
826	855-609	Safety & Hygiene	\$ 18,888,294	\$ 20,130,820	573
Operating					
TOTAL WCF Workers' Compensation					574
Fund Group			\$ 303,582,198	\$ 316,597,161	575
TOTAL ALL BUDGET FUND GROUPS			\$ 303,582,198	\$ 316,597,161	576

SAFETY AND HYGIENE 577

Notwithstanding section 4121.37 of the Revised Code, the 578
Administrator of Workers' Compensation shall transfer moneys from 579
the State Insurance Fund so that appropriation item 855-609, 580
Safety and Hygiene Operating, is provided \$18,888,294 in fiscal 581
year 2002 and \$20,130,820 in fiscal year 2003. 582

WORKERS' COMPENSATION FRAUD UNIT 583

The Workers' Compensation Section Fund (Fund 195) shall 584
receive payments from the Bureau of Workers' Compensation at the 585
beginning of each quarter of each fiscal year to fund expenses of 586
the Workers' Compensation Fraud Unit of the Attorney General's 587
Office. Of the foregoing appropriation item 855-410, Attorney 588
General Payments, \$751,694 in fiscal year 2002 and \$773,151 in 589
fiscal year 2003 shall be used to provide these payments. 590

WILLIAM GREEN LEASE PAYMENTS 591

The foregoing appropriation item 855-401, William Green Lease 592
Payments to OBA, shall be used for lease payments to the Ohio 593
Building Authority, and these appropriations shall be used to meet 594
all payments at the times they are required to be made during the 595
period from July 1, 2001, to June 30, 2003, by the Bureau of 596
Workers' Compensation to the Ohio Building Authority pursuant to 597
leases and agreements made under Chapter 152. of the Revised Code 598
and Section 6 of Am. Sub. H.B. 743 of the 118th General Assembly. 599
Of the amounts received in Fund 023, appropriation item 855-401, 600
up to \$35,745,400 shall be restricted for lease rental payments to 601

the Ohio Building Authority. If it is determined that additional appropriations are necessary for such purpose, such amounts are hereby appropriated.

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

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CAMERA CENTER

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

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

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OCCUPATIONAL SAFETY LOAN FUND

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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

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section 4121.37 of the Revised Code.

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BALANCES

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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
head shall certify the final amount to the director. The director
shall transfer the difference between any estimated amount
previously transferred and such certified final amount.

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

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VOCATIONAL REHABILITATION

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The Bureau of Workers' Compensation and the Rehabilitation

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Services Commission shall enter into an interagency agreement for 664
the provision of vocational rehabilitation services and staff to 665
mutually eligible clients. The bureau shall provide \$554,033 in 666
fiscal year 2002 and \$570,654 in fiscal year 2003 from the State 667
Insurance Fund to fund vocational rehabilitation services and 668
staff in accordance with the interagency agreement. 669

FUND BALANCE 670

Any unencumbered cash balance in excess of \$45,000,000 in the 671
Workers' Compensation Fund (Fund 023) on the thirtieth day of June 672
of each fiscal year shall be used to reduce the administrative 673
cost rate charged to employers to cover appropriations for Bureau 674
of Workers' Compensation and Industrial Commission operations. 675

Section 5. LAW GENERALLY APPLICABLE TO APPROPRIATIONS 676

Law contained in the main operating appropriations act of the 677
124th General Assembly that applies generally to the 678
appropriations made in that act also applies generally to the 679
appropriations made in this act. 680

Section 6. The codified sections of law amended in this act, 681
and the items of law of which the codified sections of law amended 682
in this act are composed, are subject to the referendum. 683
Therefore, under Ohio Constitution, Article II, Section 1c and 684
section 1.471 of the Revised Code, the codified sections of law 685
amended by this act, and the items of law of which the codified 686
sections of law as amended by this act are composed, take effect 687
on the ninety-first day after this act is filed with the Secretary 688
of State. If, however, a referendum petition is filed against any 689
such codified section of law as amended by this act, or against 690
any item of law of which any such codified section of law as 691
amended by this act is composed, the codified section of law as 692
amended, or item of law, unless rejected at the referendum, takes 693

effect at the earliest time permitted by law. 694

Section 7. The repeal by this act of a codified section of 695
law is subject to the referendum. Therefore, under Ohio 696
Constitution, Article II, Section 1c and section 1.471 of the 697
Revised Code, the repeal takes effect on the ninety-first day 698
after this act is filed with the Secretary of State. If, however, 699
a referendum petition is filed against the repeal, the repeal, 700
unless rejected at the referendum, takes effect at the earliest 701
time permitted by law. 702

Section 8. Section 4121.62 of the Revised Code, as amended by 703
this act, is subject to the referendum and takes effect January 1, 704
2002. 705

This section is subject to the referendum, together with 706
section 4121.62 of the Revised Code as amended by this act. 707

Section 9. The uncodified sections of law enacted in this 708
act, and the items of law of which the uncodified sections of law 709
enacted in this act are composed, are not subject to the 710
referendum. Therefore, under Ohio Constitution, Article II, 711
Section 1d and section 1.471 of the Revised Code, the uncodified 712
sections of law enacted in this act, and the items of law of which 713
the uncodified sections of law enacted in this act are composed, 714
go into immediate effect when this act becomes law. 715

Section 10. If the amendment in this act of a codified 716
section of law is subject to the referendum, the corresponding 717
indications in the amending and existing repeal clauses commanding 718
the amendment also are subject to the referendum, along with the 719
amendment. 720

Section 11. An item, other than an amending or repealing 721

clause, that composes the whole or part of an uncodified section 722
contained in this act has no effect after June 30, 2003, unless 723
its context clearly indicates otherwise. 724

Section 12. If any item of law that constitutes the whole or 725
part of a codified or uncodified section of law contained in this 726
act, or if any application of any item of law that constitutes the 727
whole or part of a codified or uncodified section of law contained 728
in this act, is held invalid, the invalidity does not affect other 729
items of law or applications of items of law that can be given 730
effect without the invalid item of law or application. To this 731
end, the items of law of which the codified and uncodified 732
sections contained in this act are composed, and their 733
applications, are independent and severable. 734