



Am. H.B. 67

126th General Assembly

(As Passed by the General Assembly)

(Excluding appropriations, fund transfers, and similar provisions)

Reps. Schaffer, Beatty, Flowers, Hartnett, Miller, Strahorn, Barrett, Buehrer, Calvert, Cassell, Chandler, Daniels, Distel, Domenick, C. Evans, D. Evans, Fende, Gibbs, Hughes, Kearns, Mason, McGregor, Otterman, Seitz, Setzer, Webster, Williams

Sens. Hottinger, Cates, Clancy, Spada, Armbruster, Austria

Effective date: June 21, 2005; Sections 3 to 8 effective March 21, 2005

ACT SUMMARY

- Establishes in permanent law the authority of the Administrator of Workers' Compensation to adopt rules identifying medical conditions that have a historical record of being allowed whenever included in a claim, and to grant immediate allowance and make immediate payment of medical bills for those medical conditions.
- Creates the Long-Term Care Loan Fund Program and the Long-Term Care Loan Fund using funds transferred from the Safety and Hygiene Fund.
- Requires the Administrator to use the funds in the Long-Term Care Loan Fund to make loans without interest to nursing home employers to pay for specified equipment and training for employers to implement a policy of no manual lifting of residents by employees.
- Permits the Administrator to adopt rules to administer the Long-Term Care Loan Fund Program.
- Transfers the operation and administration of the Public Employment Risk Reduction Program from the Department of Commerce to the Bureau of Workers' Compensation (BWC).

- Abolishes the Public Employment Risk Reduction Advisory Commission and transfers its duties to the Workers' Compensation Oversight Commission.
- Abolishes the Public Employment Risk Reduction Fund.
- Transfers the administration of the Occupational Safety and Health Administration's (OSHA) On-Site Consultation Program from the Department of Commerce to the BWC.
- Transfers the OSHA Enforcement Fund from the Department of Commerce to the BWC.

CONTENT AND OPERATION

Immediate allowance of specified medical conditions

The act permits the Administrator of Workers' Compensation, with the advice and consent of the Workers' Compensation Oversight Commission, to adopt rules that identify specified medical conditions that have a historical record of being allowed whenever included in a claim. The Administrator may grant immediate allowance of and make immediate payment of medical bills for any medical condition identified in those rules upon the filing of a claim involving that medical condition. If an employer contests the allowance of a claim involving any medical condition identified in those rules, and the claim is disallowed, the act specifies that payment for the medical condition included in that claim must be charged to and paid from the Surplus Fund. (Sec. 4123.511(A).) The immediate allowance of specified medical conditions permitted in the act was previously authorized as a pilot program, which expires September 30, 2005, as do the rules previously adopted for the immediate allowance of specified medical conditions (see Section 3 of Am. Sub. H.B. 183 of the 125th General Assembly).

Long-Term Care Loan Fund Program

The act requires the Bureau of Workers' Compensation (BWC) to operate a Long-Term Care Loan Fund Program. The Administrator may adopt rules, employ personnel, and do all things necessary for that purpose (sec. 4121.48(A)). The act also creates in the state treasury the Long-Term Care Loan Fund, which consists of money the Administrator, with the advice and consent of the Workers' Compensation Oversight Commission, requests the Director of Budget and Management to transfer from the Safety and Hygiene Fund. The act expands the purposes for which money in the Safety and Hygiene Fund may be used to include this Program (sec. 4121.37). All money the Administrator receives for payment of

a loan default penalty or for repayment of any loan made under the Program must be credited back to the Safety and Hygiene Fund. All investment earnings of the Fund must be credited to the Fund. The Long-Term Care Loan Fund must be used solely for purposes identified in the paragraph below. (Secs. 4121.37 and 4121.48(C).)

Under the act, the Administrator must use the Program to make loans without interest to employers that are nursing homes¹ for the purpose of allowing those employers to purchase, improve, install, or erect sit-to-stand floor lifts, ceiling lifts, other lifts, and fast electric beds, and to pay for the education and training of personnel to implement a facility policy of no manual lifting of residents by employees. The act permits the Administrator, with the advice and consent of the Oversight Commission, to adopt rules for loan eligibility, maximum loan amounts, loan periods, default penalties, and any other terms the Administrator considers necessary for a loan. (Sec. 4121.48(B).)

Transfer of the Public Employment Risk Reduction Program and the OSHA On-Site Consultation Program

Under prior law, the Public Employment Risk Reduction Program (PERRP; Chapter 4167. of the Revised Code), was administered and enforced by the Division of Labor and Worker Safety in the Department of Commerce, for public employers and public employees in the workplace. Under prior law, the Public Employment Risk Reduction Advisory Commission adopted employment risk reduction standards that all public employers had to, and still must under continuing law, observe with respect to public employment.

The act transfers the operation and administration of the Public Employment Risk Reduction Program from the Department of Commerce to the BWC. It also abolishes the Public Employment Risk Reduction Advisory Commission and transfers its duties to the Workers' Compensation Oversight Commission. These duties involve giving advice and consent for adopting rules, including rules adopted to set safety standards, and establishing fees for variance applications. Additionally, the act abolishes the Public Employment Risk Reduction Fund. (Secs. 121.08, 4121.12, 4121.121, 4167.02, 4167.06 to 4167.12, 4167.14 to 4167.17, 4167.18, repealed by the act, 4167.19, and 4167.27.) The Administrator of BWC instead of the Director of Commerce must inspect public

¹ "Nursing home" is defined as a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care. (Sec. 4121.48(D) and R.C. 3721.01, not in the act.)

workplaces and seek injunctive relief for violations of the standards. The Administrator rather than the Director also must develop and maintain an effective program of collection, compilation, and analysis of employment risk reduction statistics as specified in continuing law.

Under prior law, the Department of Commerce also administered the Occupational Safety and Health Administration (OSHA) On-Site Consultation Program. The act transfers the administration of this Program and the associated OSHA Enforcement Fund from the Department to the BWC (Sections 4 and 5). The OSHA On-Site Consultation Program assists private employers in learning about potential workplace hazards, improving occupational safety and health management systems, and qualifying for an exemption from OSHA inspections.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-15-05	p. 210
Reported, H. Finance & Appropriations	02-22-05	p. 227
Passed House (96-0)	02-23-05	pp. 235-236
Reported, S. Insurance, Commerce, & Labor	03-08-05	p. 267
Passed Senate (32-0)	03-08-05	pp. 270-271
House concurred in Senate amendments (96-0)	03-15-05	pp. 321-322

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