

**As Reported by the Senate Insurance, Commerce and Labor  
Committee**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Sub. H. B. No. 123**

**Representative Hottinger**

**Cosponsors: Representatives Amstutz, Sears, Anielski, Baker, Blair, Bulp,  
Combs, Garland, Goyal, Hackett, Johnson, Letson, McClain, Milkovich,  
Newbold, O'Brien, Peterson, Slaby, Uecker Speaker Batchelder  
Senators Bacon, Beagle, Schaffer**

**—**

**A B I L L**

To amend sections 145.27, 145.56, 145.561, 145.82,	1
145.95, 742.41, 742.46, 742.47, 742.64, 2329.66,	2
2929.192, 3305.07, 3305.08, 3305.20, 3305.22,	3
3307.20, 3307.41, 3307.42, 3309.22, 3309.66,	4
3309.661, 3309.82, 3309.95, 4121.12, 4121.123,	5
4121.125, 4121.32, 4121.41, 4121.44, 4121.68,	6
4123.35, 4123.512, 4123.52, 5505.04, 5505.22, and	7
5505.34; to enact sections 145.573, 742.464,	8
2929.193, 3305.12, 3307.373, 3309.673, and	9
5505.263; and to repeal sections 4121.124 and	10
4121.99 of the Revised Code to allow the	11
Administrator of Workers' Compensation to waive	12
criteria certain public employers must satisfy to	13
become self-insuring employers; to require bills	14
for medical and vocational rehabilitation services	15
in claims that are ultimately denied to be paid	16
from the Surplus Fund Account under specified	17
circumstances; to make other changes to the	18
Workers' Compensation Law; to provide for	19

termination of the disability benefit of a state 20  
retirement system member convicted of certain 21  
felonies committed while serving in a position of 22  
honor, trust, or profit; to make appropriations 23  
for the Bureau of Workers' Compensation and for 24  
the Workers' Compensation Council for the biennium 25  
beginning July 1, 2011, and ending June 30, 2013; 26  
and to provide authorization and conditions for 27  
the operation of the Bureau's and the Council's 28  
programs. 29

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

**Section 101.** That sections 145.27, 145.56, 145.561, 145.82, 30  
145.95, 742.41, 742.46, 742.47, 742.64, 2329.66, 2929.192, 31  
3305.07, 3305.08, 3305.20, 3305.22, 3307.20, 3307.41, 3307.42, 32  
3309.22, 3309.66, 3309.661, 3309.82, 3309.95, 4121.12, 4121.123, 33  
4121.125, 4121.32, 4121.41, 4121.44, 4121.68, 4123.35, 4123.512, 34  
4123.52, 5505.04, 5505.22, and 5505.34 be amended and sections 35  
145.573, 742.464, 2929.193, 3305.12, 3307.373, 3309.673, and 36  
5505.263 of the Revised Code be enacted to read as follows: 37

**Sec. 145.27.** (A)(1) As used in this division, "personal 38  
history record" means information maintained by the public 39  
employees retirement board on an individual who is a member, 40  
former member, contributor, former contributor, retirant, or 41  
beneficiary that includes the address, telephone number, social 42  
security number, record of contributions, correspondence with the 43  
public employees retirement system, or other information the board 44  
determines to be confidential. 45

(2) The records of the board shall be open to public 46  
inspection, except that the following shall be excluded, except 47  
with the written authorization of the individual concerned: 48

(a) The individual's statement of previous service and other 49  
information as provided for in section 145.16 of the Revised Code; 50

(b) The amount of a monthly allowance or benefit paid to the 51  
individual; 52

(c) The individual's personal history record. 53

(B) All medical reports and recommendations required by this 54  
chapter are privileged, except ~~that copies~~ as follows: 55

(1) Copies of such medical reports or recommendations shall 56  
be made available to the personal physician, attorney, or 57  
authorized agent of the individual concerned upon written release 58  
from the individual or the individual's agent, or when necessary 59  
for the proper administration of the fund, to the board assigned 60  
physician. 61

(2) Documentation required by section 2929.193 of the Revised 62  
Code shall be provided to a court holding a hearing under that 63  
section. 64

(C) Any person who is a member or contributor of the system 65  
shall be furnished with a statement of the amount to the credit of 66  
the individual's account upon written request. The board is not 67  
required to answer more than one such request of a person in any 68  
one year. The board may issue annual statements of accounts to 69  
members and contributors. 70

(D) Notwithstanding the exceptions to public inspection in 71  
division (A)(2) of this section, the board may furnish the 72  
following information: 73

(1) If a member, former member, contributor, former 74  
contributor, or retirant is subject to an order issued under 75  
section 2907.15 of the Revised Code or an order issued under 76  
division (A) or (B) of section 2929.192 of the Revised Code or is 77  
convicted of or pleads guilty to a violation of section 2921.41 of 78

the Revised Code, on written request of a prosecutor as defined in 79  
section 2935.01 of the Revised Code, the board shall furnish to 80  
the prosecutor the information requested from the individual's 81  
personal history record. 82

(2) Pursuant to a court or administrative order issued 83  
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 84  
Code, the board shall furnish to a court or child support 85  
enforcement agency the information required under that section. 86

(3) At the written request of any person, the board shall 87  
provide to the person a list of the names and addresses of 88  
members, former members, contributors, former contributors, 89  
retirants, or beneficiaries. The costs of compiling, copying, and 90  
mailing the list shall be paid by such person. 91

(4) Within fourteen days after receiving from the director of 92  
job and family services a list of the names and social security 93  
numbers of recipients of public assistance pursuant to section 94  
5101.181 of the Revised Code, the board shall inform the auditor 95  
of state of the name, current or most recent employer address, and 96  
social security number of each member whose name and social 97  
security number are the same as that of a person whose name or 98  
social security number was submitted by the director. The board 99  
and its employees shall, except for purposes of furnishing the 100  
auditor of state with information required by this section, 101  
preserve the confidentiality of recipients of public assistance in 102  
compliance with division (A) of section 5101.181 of the Revised 103  
Code. 104

(5) The system shall comply with orders issued under section 105  
3105.87 of the Revised Code. 106

On the written request of an alternate payee, as defined in 107  
section 3105.80 of the Revised Code, the system shall furnish to 108  
the alternate payee information on the amount and status of any 109

amounts payable to the alternate payee under an order issued under 110  
section 3105.171 or 3105.65 of the Revised Code. 111

(6) At the request of any person, the board shall make 112  
available to the person copies of all documents, including 113  
resumes, in the board's possession regarding filling a vacancy of 114  
an employee member or retirant member of the board. The person who 115  
made the request shall pay the cost of compiling, copying, and 116  
mailing the documents. The information described in division 117  
(D)(6) of this section is a public record. 118

(7) The system shall provide the notice required by section 119  
145.573 of the Revised Code to the prosecutor assigned to the 120  
case. 121

(E) A statement that contains information obtained from the 122  
system's records that is signed by the executive director or an 123  
officer of the system and to which the system's official seal is 124  
affixed, or copies of the system's records to which the signature 125  
and seal are attached, shall be received as true copies of the 126  
system's records in any court or before any officer of this state. 127

**Sec. 145.56.** The right of an individual to a pension, an 128  
annuity, or a retirement allowance itself, the right of an 129  
individual to any optional benefit, any other right accrued or 130  
accruing to any individual, under this chapter, or under any 131  
municipal retirement system established subject to this chapter 132  
under the laws of this state or any charter, the various funds 133  
created by this chapter, or under such municipal retirement 134  
system, and all moneys, investments, and income from moneys or 135  
investments are exempt from any state tax, except the tax imposed 136  
by section 5747.02 of the Revised Code and are exempt from any 137  
county, municipal, or other local tax, except taxes imposed 138  
pursuant to section 5748.02 or 5748.08 of the Revised Code and, 139  
except as provided in sections 145.57, 145.572, 145.573, 3105.171, 140

3105.65, and 3115.32 and Chapters 3119., 3121., 3123., and 3125. 141  
of the Revised Code, shall not be subject to execution, 142  
garnishment, attachment, the operation of bankruptcy or insolvency 143  
laws, or other process of law whatsoever, and shall be 144  
unassignable except as specifically provided in this chapter and 145  
sections 3105.171, 3105.65, and 3115.32 and Chapters 3119., 3121., 146  
3123., and 3125. of the Revised Code. 147

**Sec. 145.561.** The Except as provided in section 145.573 of 148  
the Revised Code, the granting of a retirement allowance, annuity, 149  
pension, or other benefit to any person pursuant to action of the 150  
public employees retirement board vests a right in such person, so 151  
long as ~~he~~ the person remains the recipient of any benefit of the 152  
funds established by section 145.23 of the Revised Code, to 153  
receive such retirement allowance, annuity, pension, or other 154  
benefit at the rate fixed at the time of granting such retirement 155  
allowance, annuity, pension, or other benefit. Such right shall 156  
also be vested with equal effect in the recipient of a grant 157  
heretofore made from any of the funds named in section 145.23 of 158  
the Revised Code. 159

**Sec. 145.573.** Notwithstanding any other provision of this 160  
chapter, a disability benefit granted under this chapter is 161  
subject to an order issued under section 2929.193 of the Revised 162  
Code. The public employees retirement board shall comply with the 163  
order. 164

On receipt of notice under section 2901.43 of the Revised 165  
Code that a public employees retirement system member is charged 166  
with an offense listed in division (D) of section 2929.192 of the 167  
Revised Code under the circumstances specified in that division, 168  
the system shall determine whether the member has been granted a 169  
disability benefit. If so, the system shall send written notice to 170  
the prosecutor assigned to the case that the member has been 171

granted a disability benefit under this chapter and may be subject 172  
to section 2929.193 of the Revised Code. 173

**Sec. 145.82.** (A) Except as provided in divisions (B) and (C) 174  
of this section, sections 145.201 to 145.70 of the Revised Code do 175  
not apply to a PERS defined contribution plan, except that a PERS 176  
defined contribution plan may incorporate provisions of those 177  
sections as specified in the plan document. 178

(B) The following sections of Chapter 145. of the Revised 179  
Code apply to a PERS defined contribution plan: 145.22, 145.221, 180  
145.23, 145.25, 145.26, 145.27, 145.296, 145.38, 145.382, 145.383, 181  
145.384, 145.391, 145.47, 145.48, 145.483, 145.51, 145.52, 145.53, 182  
145.54, 145.55, 145.56, 145.563, 145.57, 145.571, 145.572, 183  
145.573, 145.69, and 145.70 of the Revised Code. 184

(C) A PERS defined contribution plan that includes definitely 185  
determinable benefits may incorporate by reference all or part of 186  
sections 145.201 to 145.79 of the Revised Code to allow a member 187  
participating in the plan to purchase service credit or to be 188  
eligible for any of the following: 189

(1) Retirement, disability, survivor, or death benefits; 190

(2) Health or long-term care insurance or any other type of 191  
health care benefit; 192

(3) Additional increases under section 145.323 of the Revised 193  
Code; 194

(4) A refund of contributions made by or on behalf of a 195  
member. 196

With respect to the benefits described in division (C)(1) of 197  
this section, the public employees retirement board may establish 198  
eligibility requirements and benefit formulas or amounts that 199  
differ from those of members participating in the PERS defined 200  
benefit plan. With respect to the purchase of service credit by a 201

member participating in a PERS defined contribution plan, the 202  
board may reduce the cost of the service credit to reflect the 203  
different benefit formula established for the member. 204

**Sec. 145.95.** Subject to sections 145.38, 145.56, 145.57, ~~and~~ 205  
145.572, and 145.573 of the Revised Code, the right of a member 206  
participating in a PERS defined contribution plan to any payment 207  
or benefit accruing from contributions made by or on behalf of the 208  
member under sections 145.85 and 145.86 of the Revised Code shall 209  
vest in accordance with this section. 210

A member's right to any payment or benefit that is based on 211  
the member's contributions is nonforfeitable. 212

A member's right to any payment or benefit that is based on 213  
contributions by the member's employer is nonforfeitable as 214  
specified by the plan selected by the member. 215

**Sec. 742.41.** (A) As used in this section: 216

(1) "Other system retirant" has the same meaning as in 217  
section 742.26 of the Revised Code. 218

(2) "Personal history record" includes a member's, former 219  
member's, or other system retirant's name, address, telephone 220  
number, social security number, record of contributions, 221  
correspondence with the Ohio police and fire pension fund, status 222  
of any application for benefits, and any other information deemed 223  
confidential by the trustees of the fund. 224

(B) The treasurer of state shall furnish annually to the 225  
board of trustees of the fund a sworn statement of the amount of 226  
the funds in the treasurer of state's custody belonging to the 227  
Ohio police and fire pension fund. The records of the fund shall 228  
be open for public inspection except for the following, which 229  
shall be excluded, except with the written authorization of the 230  
individual concerned: 231



(1) The individual's personal history record;	232
(2) Any information identifying, by name and address, the amount of a monthly allowance or benefit paid to the individual.	233 234
(C) All medical reports and recommendations required are privileged, except <del>that copies</del> <u>as follows</u> :	235 236
<u>(1) Copies</u> of <del>such</del> medical reports or recommendations shall be made available to the personal physician, attorney, or authorized agent of the individual concerned upon written release received from the individual or the individual's agent or, when necessary for the proper administration of the fund, to the board-assigned physician.	237 238 239 240 241 242
<u>(2) Documentation required by section 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section.</u>	243 244 245
(D) Any person who is a member of the fund or an other system retirant shall be furnished with a statement of the amount to the credit of the person's individual account upon the person's written request. The fund need not answer more than one such request of a person in any one year.	246 247 248 249 250
(E) Notwithstanding the exceptions to public inspection in division (B) of this section, the fund may furnish the following information:	251 252 253
(1) If a member, former member, or other system retirant is subject to an order issued under section 2907.15 of the Revised Code or an order issued under division (A) or (B) of section 2929.192 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the fund shall furnish to the prosecutor the information requested from the individual's personal history record.	254 255 256 257 258 259 260 261 262

(2) Pursuant to a court order issued pursuant to Chapter 263  
3119., 3121., 3123., or 3125. of the Revised Code, the fund shall 264  
furnish to a court or child support enforcement agency the 265  
information required under that section. 266

(3) At the request of any organization or association of 267  
members of the fund, the fund shall provide a list of the names 268  
and addresses of members of the fund and other system retirants. 269  
The fund shall comply with the request of such organization or 270  
association at least once a year and may impose a reasonable 271  
charge for the list. 272

(4) Within fourteen days after receiving from the director of 273  
job and family services a list of the names and social security 274  
numbers of recipients of public assistance pursuant to section 275  
5101.181 of the Revised Code, the fund shall inform the auditor of 276  
state of the name, current or most recent employer address, and 277  
social security number of each member or other system retirant 278  
whose name and social security number are the same as that of a 279  
person whose name or social security number was submitted by the 280  
director. The fund and its employees shall, except for purposes of 281  
furnishing the auditor of state with information required by this 282  
section, preserve the confidentiality of recipients of public 283  
assistance in compliance with division (A) of section 5101.181 of 284  
the Revised Code. 285

(5) The fund shall comply with orders issued under section 286  
3105.87 of the Revised Code. 287

On the written request of an alternate payee, as defined in 288  
section 3105.80 of the Revised Code, the fund shall furnish to the 289  
alternate payee information on the amount and status of any 290  
amounts payable to the alternate payee under an order issued under 291  
section 3105.171 or 3105.65 of the Revised Code. 292

(6) At the request of any person, the fund shall make 293

available to the person copies of all documents, including 294  
resumes, in the fund's possession regarding filling a vacancy of a 295  
police officer employee member, firefighter employee member, 296  
police retirant member, or firefighter retirant member of the 297  
board of trustees. The person who made the request shall pay the 298  
cost of compiling, copying, and mailing the documents. The 299  
information described in this division is a public record. 300

(7) The fund shall provide the notice required by section 301  
742.464 of the Revised Code to the prosecutor assigned to the 302  
case. 303

(F) A statement that contains information obtained from the 304  
fund's records that is signed by the secretary of the board of 305  
trustees of the Ohio police and fire pension fund and to which the 306  
board's official seal is affixed, or copies of the fund's records 307  
to which the signature and seal are attached, shall be received as 308  
true copies of the fund's records in any court or before any 309  
officer of this state. 310

**Sec. 742.46.** The Except as provided in section 742.464 of the 311  
Revised Code, the granting of a benefit or pension to any person 312  
under sections 742.01 to 742.61 of the Revised Code, other than a 313  
person participating in the deferred retirement option plan 314  
established under section 742.43 of the Revised Code, vests a 315  
right in such person to obtain and receive the amount of such 316  
benefit or pension granted to the person subject to sections 317  
742.01 to 742.61 of the Revised Code. Subject to ~~section~~ sections 318  
742.444 and 742.464 of the Revised Code, a person participating in 319  
the deferred retirement option plan vests in the right to obtain 320  
and receive the amount accrued to the benefit of the person when 321  
the person ceases participating in the plan. 322

Such right may be enforced by an action in mandamus 323  
instituted in the court of common pleas in the county in which the 324

person granted such benefit or pension resides. 325

Sec. 742.464. Notwithstanding any other provision of this 326  
chapter, a disability benefit granted under this chapter is 327  
subject to an order issued under section 2929.193 of the Revised 328  
Code. The board of trustees of the Ohio police and fire pension 329  
fund shall comply with the order. 330

On receipt of notice under section 2901.43 of the Revised 331  
Code that an Ohio police and fire pension fund member is charged 332  
with an offense listed in division (D) of section 2929.192 of the 333  
Revised Code under the circumstances specified in that division, 334  
the fund shall determine whether the member has been granted a 335  
disability benefit. If so, the fund shall send written notice to 336  
the prosecutor assigned to the case that the member has been 337  
granted a disability benefit under this chapter and may be subject 338  
to section 2929.193 of the Revised Code. 339

Sec. 742.47. Except as provided in sections 742.461, 742.463, 340  
742.464, 3105.171, 3105.65, and 3115.32 and Chapters 3119., 3121., 341  
3123., and 3125. of the Revised Code, sums of money due or to 342  
become due to any individual from the Ohio police and fire pension 343  
fund are not liable to attachment, garnishment, levy, or seizure 344  
under any legal or equitable process or any other process of law 345  
whatsoever, whether those sums remain with the treasurer of the 346  
fund or any officer or agent of the board of trustees of the fund 347  
or are in the course of transmission to the individual entitled to 348  
them, but shall inure wholly to the benefit of that individual. 349

350

Sec. 742.64. As used in this section, "alternate payee," 351  
"benefit," and "lump sum payment" have the same meanings as in 352  
section 3105.80 of the Revised Code. 353

If a person who is a disability benefit recipient or an 354

alternate payee, as defined in section 3105.80 of the Revised 355  
Code, is paid any ~~amount from a~~ benefit or ~~lump sum~~ payment ~~under~~ 356  
~~an order issued under section 3105.171 or 3105.65 of the Revised~~ 357  
~~Code~~ by the Ohio police and fire pension fund to which the person 358  
is not entitled, the person shall repay the fund. If the person 359  
fails to repay, the fund shall withhold the amount due from any 360  
benefit or payment due the person ~~under the order~~ or may collect 361  
the amount in any other manner provided by law. 362

**Sec. 2329.66.** (A) Every person who is domiciled in this state 363  
may hold property exempt from execution, garnishment, attachment, 364  
or sale to satisfy a judgment or order, as follows: 365

(1)(a) In the case of a judgment or order regarding money 366  
owed for health care services rendered or health care supplies 367  
provided to the person or a dependent of the person, one parcel or 368  
item of real or personal property that the person or a dependent 369  
of the person uses as a residence. Division (A)(1)(a) of this 370  
section does not preclude, affect, or invalidate the creation 371  
under this chapter of a judgment lien upon the exempted property 372  
but only delays the enforcement of the lien until the property is 373  
sold or otherwise transferred by the owner or in accordance with 374  
other applicable laws to a person or entity other than the 375  
surviving spouse or surviving minor children of the judgment 376  
debtor. Every person who is domiciled in this state may hold 377  
exempt from a judgment lien created pursuant to division (A)(1)(a) 378  
of this section the person's interest, not to exceed twenty 379  
thousand two hundred dollars, in the exempted property. 380

(b) In the case of all other judgments and orders, the 381  
person's interest, not to exceed twenty thousand two hundred 382  
dollars, in one parcel or item of real or personal property that 383  
the person or a dependent of the person uses as a residence. 384

(2) The person's interest, not to exceed three thousand two 385

hundred twenty-five dollars, in one motor vehicle; 386

(3) The person's interest, not to exceed four hundred 387  
dollars, in cash on hand, money due and payable, money to become 388  
due within ninety days, tax refunds, and money on deposit with a 389  
bank, savings and loan association, credit union, public utility, 390  
landlord, or other person, other than personal earnings. 391

(4)(a) The person's interest, not to exceed five hundred 392  
twenty-five dollars in any particular item or ten thousand seven 393  
hundred seventy-five dollars in aggregate value, in household 394  
furnishings, household goods, wearing apparel, appliances, books, 395  
animals, crops, musical instruments, firearms, and hunting and 396  
fishing equipment that are held primarily for the personal, 397  
family, or household use of the person; 398

(b) The person's aggregate interest in one or more items of 399  
jewelry, not to exceed one thousand three hundred fifty dollars, 400  
held primarily for the personal, family, or household use of the 401  
person or any of the person's dependents. 402

(5) The person's interest, not to exceed an aggregate of two 403  
thousand twenty-five dollars, in all implements, professional 404  
books, or tools of the person's profession, trade, or business, 405  
including agriculture; 406

(6)(a) The person's interest in a beneficiary fund set apart, 407  
appropriated, or paid by a benevolent association or society, as 408  
exempted by section 2329.63 of the Revised Code; 409

(b) The person's interest in contracts of life or endowment 410  
insurance or annuities, as exempted by section 3911.10 of the 411  
Revised Code; 412

(c) The person's interest in a policy of group insurance or 413  
the proceeds of a policy of group insurance, as exempted by 414  
section 3917.05 of the Revised Code; 415

(d) The person's interest in money, benefits, charity, 416  
relief, or aid to be paid, provided, or rendered by a fraternal 417  
benefit society, as exempted by section 3921.18 of the Revised 418  
Code; 419

(e) The person's interest in the portion of benefits under 420  
policies of sickness and accident insurance and in lump sum 421  
payments for dismemberment and other losses insured under those 422  
policies, as exempted by section 3923.19 of the Revised Code. 423

(7) The person's professionally prescribed or medically 424  
necessary health aids; 425

(8) The person's interest in a burial lot, including, but not 426  
limited to, exemptions under section 517.09 or 1721.07 of the 427  
Revised Code; 428

(9) The person's interest in the following: 429

(a) Moneys paid or payable for living maintenance or rights, 430  
as exempted by section 3304.19 of the Revised Code; 431

(b) Workers' compensation, as exempted by section 4123.67 of 432  
the Revised Code; 433

(c) Unemployment compensation benefits, as exempted by 434  
section 4141.32 of the Revised Code; 435

(d) Cash assistance payments under the Ohio works first 436  
program, as exempted by section 5107.75 of the Revised Code; 437

(e) Benefits and services under the prevention, retention, 438  
and contingency program, as exempted by section 5108.08 of the 439  
Revised Code; 440

(f) Disability financial assistance payments, as exempted by 441  
section 5115.06 of the Revised Code; 442

(g) Payments under section 24 or 32 of the "Internal Revenue 443  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 444

(10)(a) Except in cases in which the person was convicted of 445  
or pleaded guilty to a violation of section 2921.41 of the Revised 446  
Code and in which an order for the withholding of restitution from 447  
payments was issued under division (C)(2)(b) of that section, in 448  
cases in which an order for withholding was issued under section 449  
2907.15 of the Revised Code, ~~and~~ in cases in which an order for 450  
forfeiture was issued under division (A) or (B) of section 451  
2929.192 of the Revised Code, and in cases in which an order was 452  
issued under 2929.193 of the Revised Code, and only to the extent 453  
provided in the order, and except as provided in sections 454  
3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 455  
of the Revised Code, the person's right to a pension, benefit, 456  
annuity, retirement allowance, or accumulated contributions, the 457  
person's right to a participant account in any deferred 458  
compensation program offered by the Ohio public employees deferred 459  
compensation board, a government unit, or a municipal corporation, 460  
or the person's other accrued or accruing rights, as exempted by 461  
section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 462  
5505.22 of the Revised Code, and the person's right to benefits 463  
from the Ohio public safety officers death benefit fund; 464

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 465  
3121.03, and 3123.06 of the Revised Code, the person's right to 466  
receive a payment under any pension, annuity, or similar plan or 467  
contract, not including a payment from a stock bonus or 468  
profit-sharing plan or a payment included in division (A)(6)(b) or 469  
(10)(a) of this section, on account of illness, disability, death, 470  
age, or length of service, to the extent reasonably necessary for 471  
the support of the person and any of the person's dependents, 472  
except if all the following apply: 473

(i) The plan or contract was established by or under the 474  
auspices of an insider that employed the person at the time the 475  
person's rights under the plan or contract arose. 476



(ii) The payment is on account of age or length of service. 477

(iii) The plan or contract is not qualified under the 478  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 479  
amended. 480

(c) Except for any portion of the assets that were deposited 481  
for the purpose of evading the payment of any debt and except as 482  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 483  
3123.06 of the Revised Code, the person's right in the assets held 484  
in, or to receive any payment under, any individual retirement 485  
account, individual retirement annuity, "Roth IRA," or education 486  
individual retirement account that provides benefits by reason of 487  
illness, disability, death, or age, to the extent that the assets, 488  
payments, or benefits described in division (A)(10)(c) of this 489  
section are attributable to any of the following: 490

(i) Contributions of the person that were less than or equal 491  
to the applicable limits on deductible contributions to an 492  
individual retirement account or individual retirement annuity in 493  
the year that the contributions were made, whether or not the 494  
person was eligible to deduct the contributions on the person's 495  
federal tax return for the year in which the contributions were 496  
made; 497

(ii) Contributions of the person that were less than or equal 498  
to the applicable limits on contributions to a Roth IRA or 499  
education individual retirement account in the year that the 500  
contributions were made; 501

(iii) Contributions of the person that are within the 502  
applicable limits on rollover contributions under subsections 219, 503  
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 504  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 505  
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 506

(d) Except for any portion of the assets that were deposited 507

for the purpose of evading the payment of any debt and except as 508  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 509  
3123.06 of the Revised Code, the person's right in the assets held 510  
in, or to receive any payment under, any Keogh or "H.R. 10" plan 511  
that provides benefits by reason of illness, disability, death, or 512  
age, to the extent reasonably necessary for the support of the 513  
person and any of the person's dependents. 514

(11) The person's right to receive spousal support, child 515  
support, an allowance, or other maintenance to the extent 516  
reasonably necessary for the support of the person and any of the 517  
person's dependents; 518

(12) The person's right to receive, or moneys received during 519  
the preceding twelve calendar months from, any of the following: 520

(a) An award of reparations under sections 2743.51 to 2743.72 521  
of the Revised Code, to the extent exempted by division (D) of 522  
section 2743.66 of the Revised Code; 523

(b) A payment on account of the wrongful death of an 524  
individual of whom the person was a dependent on the date of the 525  
individual's death, to the extent reasonably necessary for the 526  
support of the person and any of the person's dependents; 527

(c) Except in cases in which the person who receives the 528  
payment is an inmate, as defined in section 2969.21 of the Revised 529  
Code, and in which the payment resulted from a civil action or 530  
appeal against a government entity or employee, as defined in 531  
section 2969.21 of the Revised Code, a payment, not to exceed 532  
twenty thousand two hundred dollars, on account of personal bodily 533  
injury, not including pain and suffering or compensation for 534  
actual pecuniary loss, of the person or an individual for whom the 535  
person is a dependent; 536

(d) A payment in compensation for loss of future earnings of 537  
the person or an individual of whom the person is or was a 538

dependent, to the extent reasonably necessary for the support of 539  
the debtor and any of the debtor's dependents. 540

(13) Except as provided in sections 3119.80, 3119.81, 541  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 542  
earnings of the person owed to the person for services in an 543  
amount equal to the greater of the following amounts: 544

(a) If paid weekly, thirty times the current federal minimum 545  
hourly wage; if paid biweekly, sixty times the current federal 546  
minimum hourly wage; if paid semimonthly, sixty-five times the 547  
current federal minimum hourly wage; or if paid monthly, one 548  
hundred thirty times the current federal minimum hourly wage that 549  
is in effect at the time the earnings are payable, as prescribed 550  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 551  
U.S.C. 206(a)(1), as amended; 552

(b) Seventy-five per cent of the disposable earnings owed to 553  
the person. 554

(14) The person's right in specific partnership property, as 555  
exempted by division (B)(3) of section 1775.24 of the Revised Code 556  
or the person's rights in a partnership pursuant to section 557  
1776.50 of the Revised Code, except as otherwise set forth in 558  
section 1776.50 of the Revised Code; 559

(15) A seal and official register of a notary public, as 560  
exempted by section 147.04 of the Revised Code; 561

(16) The person's interest in a tuition unit or a payment 562  
under section 3334.09 of the Revised Code pursuant to a tuition 563  
payment contract, as exempted by section 3334.15 of the Revised 564  
Code; 565

(17) Any other property that is specifically exempted from 566  
execution, attachment, garnishment, or sale by federal statutes 567  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 568  
U.S.C.A. 101, as amended; 569

(18) The person's aggregate interest in any property, not to 570  
exceed one thousand seventy-five dollars, except that division 571  
(A)(18) of this section applies only in bankruptcy proceedings. 572

(B) On April 1, 2010, and on the first day of April in each 573  
third calendar year after 2010, each dollar amount set forth in 574  
this section shall be adjusted, when determining the amount that 575  
is exempt from execution, garnishment, attachment, or sale 576  
pursuant to this section, to reflect the change in the consumer 577  
price index for all urban consumers, as published by the United 578  
States department of labor, or, if that index is no longer 579  
published, a generally available comparable index, for the 580  
three-year period ending on the thirty-first day of December of 581  
the preceding year. Any adjustments required by this division 582  
shall be rounded to the nearest twenty-five dollars. 583

(C) As used in this section: 584

(1) "Disposable earnings" means net earnings after the 585  
garnishee has made deductions required by law, excluding the 586  
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 587  
3121.03, or 3123.06 of the Revised Code. 588

(2) "Insider" means: 589

(a) If the person who claims an exemption is an individual, a 590  
relative of the individual, a relative of a general partner of the 591  
individual, a partnership in which the individual is a general 592  
partner, a general partner of the individual, or a corporation of 593  
which the individual is a director, officer, or in control; 594

(b) If the person who claims an exemption is a corporation, a 595  
director or officer of the corporation; a person in control of the 596  
corporation; a partnership in which the corporation is a general 597  
partner; a general partner of the corporation; or a relative of a 598  
general partner, director, officer, or person in control of the 599  
corporation; 600

(c) If the person who claims an exemption is a partnership, a  
general partner in the partnership; a general partner of the  
partnership; a person in control of the partnership; a partnership  
in which the partnership is a general partner; or a relative in, a  
general partner of, or a person in control of the partnership;

(d) An entity or person to which or whom any of the following  
applies:

(i) The entity directly or indirectly owns, controls, or  
holds with power to vote, twenty per cent or more of the  
outstanding voting securities of the person who claims an  
exemption, unless the entity holds the securities in a fiduciary  
or agency capacity without sole discretionary power to vote the  
securities or holds the securities solely to secure to debt and  
the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of  
whose outstanding voting securities are directly or indirectly  
owned, controlled, or held with power to vote, by the person who  
claims an exemption or by an entity to which division (C)(2)(d)(i)  
of this section applies.

(iii) A person whose business is operated under a lease or  
operating agreement by the person who claims an exemption, or a  
person substantially all of whose business is operated under an  
operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially  
all of the property of the person who claims an exemption under a  
lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a  
person or entity to which division (C)(2)(d)(i), (ii), (iii), or  
(iv) of this section applies, as if the person or entity were a  
person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 632  
148.01 of the Revised Code. 633

(4) "Government unit" has the same meaning as in section 634  
148.06 of the Revised Code. 635

(D) For purposes of this section, "interest" shall be 636  
determined as follows: 637

(1) In bankruptcy proceedings, as of the date a petition is 638  
filed with the bankruptcy court commencing a case under Title 11 639  
of the United States Code; 640

(2) In all cases other than bankruptcy proceedings, as of the 641  
date of an appraisal, if necessary under section 2329.68 of the 642  
Revised Code, or the issuance of a writ of execution. 643

An interest, as determined under division (D)(1) or (2) of 644  
this section, shall not include the amount of any lien otherwise 645  
valid pursuant to section 2329.661 of the Revised Code. 646

**Sec. 2929.192.** (A) If an offender is being sentenced for any 647  
felony offense listed in division (D) of this section that was 648  
committed on or after ~~the effective date of this section~~ May 13, 649  
2008, if the offender committed the offense while serving in a 650  
position of honor, trust, or profit, and if the offender, at the 651  
time of the commission of the offense, was a member of any public 652  
retirement system or a participant in an alternative retirement 653  
plan, in addition to any other sanction it imposes under section 654  
2929.14, 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code 655  
but subject to division (B) of this section, the court shall order 656  
the forfeiture to the public retirement system or alternative 657  
retirement plan in which the offender was a member or participant 658  
of the offender's right to a retirement allowance, pension, 659  
disability benefit, or other right or benefit, other than payment 660  
of the offender's accumulated contributions, earned by reason of 661

the offender's being a member of the public retirement system or 662  
alternative retirement plan. A forfeiture ordered under this 663  
division is part of, and shall be included in, the sentence of the 664  
offender. The court shall send a copy of the journal entry 665  
imposing sentence on the offender to the appropriate public 666  
retirement system or alternative retirement plan in which the 667  
offender was a member or participant. 668

(B) In any case in which a sentencing court is required to 669  
order forfeiture of an offender's right to a retirement allowance, 670  
pension, disability benefit, or other right or benefit under 671  
division (A) of this section, the offender may request a hearing 672  
regarding the forfeiture by delivering to the court prior to 673  
sentencing a written request for a hearing. If a request for a 674  
hearing is made by the offender prior to sentencing, the court 675  
shall conduct the hearing before sentencing. The court shall 676  
notify the offender, the prosecutor who handled the case in which 677  
the offender was convicted of or pleaded guilty to the offense for 678  
which the forfeiture order was imposed, and the appropriate public 679  
retirement system, or alternative retirement plan provider, 680  
whichever is applicable, or, if more than one is specified in the 681  
motion, the applicable combination of these, of the hearing. A 682  
hearing scheduled under this division shall be limited to a 683  
consideration of whether there is good cause based on evidence 684  
presented by the offender for the forfeiture order not to be 685  
issued. If the court determines based on evidence presented by the 686  
offender that there is good cause for the forfeiture order not to 687  
be issued, the court shall not issue the forfeiture order. If the 688  
offender does not request a hearing prior to sentencing or if the 689  
court conducts a hearing but does not determine based on evidence 690  
presented by the offender that there is good cause for the 691  
forfeiture order not to be issued, the court shall order the 692  
forfeiture described in division (A) of this section in accordance 693  
with that division and shall send a copy of the journal entry 694

imposing sentence on the offender to the appropriate public 695  
retirement system or alternative retirement plan in which the 696  
offender was a member or participant. 697

(C) Upon receipt of a copy of the journal entry imposing 698  
sentence on an offender under division (A) or (B) of this section 699  
that contains an order of forfeiture of a type described in that 700  
division, the public retirement system or alternative retirement 701  
plan in which the offender was a member or participant shall 702  
comply with the forfeiture order on application for a refund of 703  
the accumulated contributions of the member or participant. 704

(D) Division (A) of this section applies regarding an 705  
offender who is convicted of or pleads guilty to any of the 706  
following offenses committed on or after ~~the effective date of~~ 707  
~~this section~~ May 13, 2008, that is a felony and who committed the 708  
offense while serving in a position of honor, trust, or profit: 709

(1) A violation of section 2921.02 or 2923.32 of the Revised 710  
Code or a violation of section 2921.41 of the Revised Code that is 711  
a felony of the third degree; 712

(2) A violation of an existing or former municipal ordinance 713  
or law of this or any other state or the United States that is 714  
substantially equivalent to any violation listed in division 715  
(D)(1) of this section; 716

(3) A conspiracy to commit, attempt to commit, or complicity 717  
in committing any violation listed in division (D)(1) or described 718  
in division (D)(2) of this section. 719

(E) For purposes of divisions (A) and (D) of this section, a 720  
violation of section 2923.32 of the Revised Code or any other 721  
violation or offense that includes as an element a course of 722  
conduct or the occurrence of multiple acts is "committed on or 723  
after ~~the effective date of this section~~ May 13, 2008," if the 724  
course of conduct continues, one or more of the multiple acts 725



occurs, or the subject person's accountability for the course of 726  
conduct or for one or more of the multiple acts continues, on or 727  
after ~~the effective date of this section~~ May 13, 2008. 728

(F) As used in this section: 729

(1) ~~"Position~~ (a) For the period beginning May 13, 2008, and 730  
ending the day before the effective date of this amendment, 731  
"position of honor, trust, or profit" means any of the following: 732

~~(a)~~(i) An elective office of the state or any political 733  
subdivision of the state; 734

~~(b)~~(ii) A position on any board or commission of the state 735  
that is appointed by the governor or the attorney general; 736

~~(c)~~(iii) A position as a public official or employee, as 737  
defined in section 102.01 of the Revised Code, who is required to 738  
file a disclosure statement under section 102.02 of the Revised 739  
Code; 740

~~(d)~~(iv) A position as a prosecutor, as defined in section 741  
2935.01 of the Revised Code; 742

~~(e)~~(v) A position as a peace officer, as defined in section 743  
2935.01 of the Revised Code, or as the superintendent or a trooper 744  
of the state highway patrol. 745

(b) On and after the effective date of this amendment, 746  
"position of honor, trust, or profit" has the same meaning as in 747  
division (F)(1)(a) of this section, except that it also includes a 748  
position in which, in the course of public employment, an employee 749  
has control over the expenditure of public funds of one hundred 750  
thousand dollars or more annually. 751

(2) "Public retirement system" and "alternative retirement 752  
plan" have the same meanings as in section 2907.15 of the Revised 753  
Code. 754

(3) "Accumulated contributions" means whichever of the 755

following is applicable: 756

(a) Regarding an offender who is a member of the public 757  
employees retirement system, except as otherwise provided in 758  
division (F)(3)(a) of this section, "accumulated contributions" 759  
has the same meaning as in section 145.01 of the Revised Code. For 760  
a member participating in a PERS defined contribution plan, 761  
"accumulated contributions" means the contributions made under 762  
section 145.85 of the Revised Code and any earnings on those 763  
contributions. For a member participating in a PERS defined 764  
contribution plan that includes definitely determinable benefits, 765  
"accumulated contributions" means the contributions made under 766  
section 145.85 of the Revised Code, any earnings on those 767  
contributions, and additionally any amounts paid by the member to 768  
purchase service credits. 769

(b) Regarding an offender who is or was a member of the Ohio 770  
police and fire pension fund, "accumulated contributions" means 771  
the amount payable to a member under division (G) of section 772  
742.37 of the Revised Code. 773

(c) Regarding an offender who is a member of the state 774  
teachers retirement system, except as otherwise provided in 775  
division (F)(3)(c) of this section, "accumulated contributions" 776  
has the same meaning as in section 3307.50 of the Revised Code. 777  
For a member participating in an STRS defined contribution plan, 778  
"accumulated contributions" means the contributions made under 779  
section 3307.26 of the Revised Code to participate in a plan 780  
established under section 3307.81 of the Revised Code and any 781  
earnings on those contributions. For a member participating in a 782  
STRS defined contribution plan that includes definitely 783  
determinable benefits, "accumulated contributions" means the 784  
contributions made under section 3307.26 of the Revised Code to 785  
participate in a plan established under section 3307.81 of the 786  
Revised Code, any earnings on those contributions, and 787

additionally any amounts paid by the member to purchase service 788  
credits. 789

(d) Regarding an offender who is or was a member of the 790  
school employees retirement system, "accumulated contributions" 791  
has the same meaning as in section 3309.01 of the Revised Code and 792  
also includes employee contributions made under section 3309.85 of 793  
the Revised Code and any earnings on those contributions. 794

(e) Regarding an offender who is or was a member of the state 795  
highway patrol retirement system, "accumulated contributions" has 796  
the same meaning as in section 5505.01 of the Revised Code. 797

(f) Regarding an offender who is or was participating in an 798  
alternative retirement plan, "accumulated contributions" means the 799  
amounts contributed to an alternative retirement plan 800  
participant's account by the plan participant pursuant to section 801  
3305.06 of the Revised Code and any earnings on those 802  
contributions. 803

**Sec. 2929.193. (A) As used in this section:** 804

(1) "Position of honor, trust, or profit" has the same 805  
meaning as in division (F)(1)(b) of section 2929.192 of the 806  
Revised Code. 807

(2) "Public retirement system," "alternative retirement 808  
plan," and "prosecutor" have the same meanings as in section 809  
2907.15 of the Revised Code. 810

(B) This section applies to an offender to whom all of the 811  
following apply: 812

(1) The offender is being sentenced for an offense listed in 813  
division (D) of section 2929.192 of the Revised Code that is a 814  
felony and was committed on or after the effective date of this 815  
section. 816

(2) The offense was committed while the offender was serving 817

in a position of honor, trust, or profit. 818

(3) At the time of the offense, the offender was one of the 819  
following: 820

(a) A member of a public retirement system; 821

(b) A contributor to a public retirement system receiving or 822  
eligible to receive a benefit under section 145.384, 742.26, 823  
3307.352, or 3309.344 of the Revised Code; 824

(c) A participant in an alternative retirement plan. 825

(4) Prior to the final disposition of the case, the offender 826  
was granted a disability benefit by a public retirement system or 827  
an alternative retirement plan provider. 828

(C)(1) Prior to sentencing an offender subject to this 829  
section, the court shall hold a hearing regarding the condition 830  
for which the offender was granted a disability benefit. Not later 831  
than ten days prior to the scheduled date of the hearing, the 832  
court shall give written notice of the hearing to the offender, 833  
the prosecutor who handled the case, and the appropriate public 834  
retirement system, alternative retirement plan provider, or, if 835  
more than one is providing a disability benefit, the applicable 836  
combination of these. The hearing shall be limited to a 837  
consideration of whether the offender's disabling condition arose 838  
out of the commission of the offense the offender was convicted of 839  
or pleaded guilty to. 840

The system or provider shall submit to the court the 841  
offender's medical reports and recommendations, and the offender's 842  
disability application. If the court determines based on those 843  
documents that the disabling condition arose out of the commission 844  
of the offense the offender was convicted of or pleaded guilty to, 845  
the court shall order the system or provider to terminate the 846  
disability benefit. 847

(2) Any disability benefit paid the offender prior to its 848  
termination may be recovered in accordance with section 145.563, 849  
742.64, 3305.22, 3307.47, 3309.70, or 5505.34 of the Revised Code. 850

(D) For purposes of this section, a violation of section 851  
2923.32 of the Revised Code or any other violation or offense that 852  
includes as an element a course of conduct or the occurrence of 853  
multiple acts is "committed on or after the effective date of this 854  
section" if the course of conduct continues, one or more of the 855  
multiple acts occurs, or the offender's accountability for the 856  
course of conduct or for one or more of the multiple acts 857  
continues on or after the effective date of this section. 858

**Sec. 3305.07.** (A) Neither the state nor a public institution 859  
of higher education shall be a party to any contract purchased in 860  
whole or in part with contributions to an alternative retirement 861  
plan made under section 3305.06 of the Revised Code. No 862  
retirement, death, or other benefits shall be payable by the state 863  
or by any public institution of higher education under any 864  
alternative retirement plan elected pursuant to this chapter. 865

(B)(1) Except as provided under division (B)(2) of this 866  
section and sections 3305.08, 3305.09, ~~and~~ 3305.11, and 3305.12 of 867  
the Revised Code, benefits shall be paid to an electing employee 868  
or the employee's beneficiaries in accordance with the alternative 869  
retirement plan adopted by the public institution of higher 870  
education at which the employee is employed. 871

(2) A benefit or payment shall not be paid under an 872  
investment option prior to the time an electing employee dies, 873  
terminates employment with the public institution of higher 874  
education, or, if provided under the alternative retirement plan 875  
or investment option, becomes disabled, except that the provider 876  
of the investment option shall transfer the employee's account 877  
balance to another provider as provided under section 3305.053 of 878

the Revised Code. 879

**Sec. 3305.08.** Any payment, benefit, or other right accruing 880  
to any electing employee under a contract entered into for 881  
purposes of an alternative retirement plan and all moneys, 882  
investments, and income of those contracts are exempt from any 883  
state tax, except the tax imposed by section 5747.02 of the 884  
Revised Code, are exempt from any county, municipal, or other 885  
local tax, except taxes imposed pursuant to section 5748.02 or 886  
5748.08 of the Revised Code, and except as provided in sections 887  
3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, 888  
3123.06, ~~and~~ 3305.09, and 3305.12 of the Revised Code, shall not 889  
be subject to execution, garnishment, attachment, the operation of 890  
bankruptcy or the insolvency law, or other process of law, and 891  
shall be unassignable except as specifically provided in this 892  
section and sections 3105.171, 3105.65, 3119.80, 3119.81, 3121.02, 893  
3121.03, 3115.32, and 3123.06 of the Revised Code or in any 894  
contract the electing employee has entered into for purposes of an 895  
alternative retirement plan. 896

**Sec. 3305.12.** Notwithstanding any other provision of an 897  
alternative retirement plan provided under this chapter, a 898  
disability benefit granted under the alternative retirement plan 899  
is subject to an order issued under section 2929.193 of the 900  
Revised Code. The entity providing the alternative retirement plan 901  
shall comply with the order. 902

On receipt of notice under section 2901.43 of the Revised 903  
Code that an alternative retirement plan participant is charged 904  
with an offense listed in division (D) of section 2929.192 of the 905  
Revised Code under the circumstances specified in that division, 906  
the entity shall determine whether the participant has been 907  
granted a disability benefit. If so, the entity shall send written 908  
notice to the prosecutor assigned to the case that the participant 909

has been granted a disability benefit under an alternative 910  
retirement plan and may be subject to section 2929.193 of the 911  
Revised Code. 912

**Sec. 3305.20.** As used in this section, "personal history 913  
record" means information maintained by the entity providing an 914  
alternative retirement plan on an individual who participates in 915  
the plan that includes the address, telephone number, social 916  
security number, record of contributions, correspondence with the 917  
plan, or other information the entity providing the plan 918  
determines to be confidential. 919

The entity shall comply with orders issued under section 920  
3105.87 of the Revised Code requiring it to provide information 921  
from a participant's personal history record. 922

~~On~~ The entity shall furnish information as follows: 923

(A) On the written request of an alternate payee, as defined 924  
in section 3105.80 of the Revised Code, the entity providing the 925  
alternative retirement plan shall furnish to the alternate payee 926  
information on the amount and status of any amounts payable to the 927  
alternate payee under an order issued under section 3105.171 or 928  
3105.65 of the Revised Code. 929

(B) Documentation required by section 2929.193 of the Revised 930  
Code shall be provided to a court holding a hearing under that 931  
section. 932

(C) The notice required by section 3305.12 of the Revised 933  
Code shall be provided to the prosecutor assigned to the case. 934

**Sec. 3305.22.** ~~As used in this section, "alternate payee" has~~ 935  
~~the same meaning as in section 3105.80 of the Revised Code.~~ 936

If a person who is a disability benefit recipient or an 937  
alternate payee, as defined in section 3105.80 of the Revised 938

Code, is paid any amount ~~under an order issued under section~~ 939  
~~3105.171 or 3105.65 of the Revised Code~~ to which the person is not 940  
entitled by an entity providing an alternative retirement plan, 941  
the person shall repay the entity. If the person fails to repay, 942  
the entity shall withhold the amount from any benefit or payment 943  
due the person ~~under the order~~ or may collect the amount in any 944  
other manner provided by law. 945

**Sec. 3307.20.** (A) As used in this section: 946

(1) "Personal history record" means information maintained by 947  
the state teachers retirement board on an individual who is a 948  
member, former member, contributor, former contributor, retirant, 949  
or beneficiary that includes the address, telephone number, social 950  
security number, record of contributions, correspondence with the 951  
state teachers retirement system, or other information the board 952  
determines to be confidential. 953

(2) "Retirant" has the same meaning as in section 3307.50 of 954  
the Revised Code. 955

(B) The records of the board shall be open to public 956  
inspection, except for the following, which shall be excluded, 957  
except with the written authorization of the individual concerned: 958

(1) The individual's personal records provided for in section 959  
3307.23 of the Revised Code; 960

(2) The individual's personal history record; 961

(3) Any information identifying, by name and address, the 962  
amount of a monthly allowance or benefit paid to the individual. 963

(C) All medical reports and recommendations under sections 964  
3307.62, 3307.64, and 3307.66 of the Revised Code are privileged, 965  
except ~~that copies~~ as follows: 966

(1) Copies of ~~such~~ medical reports or recommendations shall 967  
be made available to the personal physician, attorney, or 968



authorized agent of the individual concerned upon written release 969  
received from the individual or the individual's agent, or, when 970  
necessary for the proper administration of the fund, to the board 971  
assigned physician. 972

(2) Documentation required by section 2929.193 of the Revised 973  
Code shall be provided to a court holding a hearing under that 974  
section. 975

(D) Any person who is a member or contributor of the system 976  
shall be furnished, on written request, with a statement of the 977  
amount to the credit of the person's account. The board need not 978  
answer more than one request of a person in any one year. 979

(E) Notwithstanding the exceptions to public inspection in 980  
division (B) of this section, the board may furnish the following 981  
information: 982

(1) If a member, former member, retirant, contributor, or 983  
former contributor is subject to an order issued under section 984  
2907.15 of the Revised Code or an order issued under division (A) 985  
or (B) of section 2929.192 of the Revised Code or is convicted of 986  
or pleads guilty to a violation of section 2921.41 of the Revised 987  
Code, on written request of a prosecutor as defined in section 988  
2935.01 of the Revised Code, the board shall furnish to the 989  
prosecutor the information requested from the individual's 990  
personal history record. 991

(2) Pursuant to a court or administrative order issued under 992  
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 993  
Revised Code, the board shall furnish to a court or child support 994  
enforcement agency the information required under that section. 995

(3) At the written request of any person, the board shall 996  
provide to the person a list of the names and addresses of 997  
members, former members, retirants, contributors, former 998  
contributors, or beneficiaries. The costs of compiling, copying, 999

and mailing the list shall be paid by such person. 1000

(4) Within fourteen days after receiving from the director of 1001  
job and family services a list of the names and social security 1002  
numbers of recipients of public assistance pursuant to section 1003  
5101.181 of the Revised Code, the board shall inform the auditor 1004  
of state of the name, current or most recent employer address, and 1005  
social security number of each member whose name and social 1006  
security number are the same as that of a person whose name or 1007  
social security number was submitted by the director. The board 1008  
and its employees shall, except for purposes of furnishing the 1009  
auditor of state with information required by this section, 1010  
preserve the confidentiality of recipients of public assistance in 1011  
compliance with division (A) of section 5101.181 of the Revised 1012  
Code. 1013

(5) The system shall comply with orders issued under section 1014  
3105.87 of the Revised Code. 1015

On the written request of an alternate payee, as defined in 1016  
section 3105.80 of the Revised Code, the system shall furnish to 1017  
the alternate payee information on the amount and status of any 1018  
amounts payable to the alternate payee under an order issued under 1019  
section 3105.171 or 3105.65 of the Revised Code. 1020

(6) At the request of any person, the board shall make 1021  
available to the person copies of all documents, including 1022  
resumes, in the board's possession regarding filling a vacancy of 1023  
a contributing member or retired teacher member of the board. The 1024  
person who made the request shall pay the cost of compiling, 1025  
copying, and mailing the documents. The information described in 1026  
this division is a public record. 1027

(7) The system shall provide the notice required by section 1028  
3307.373 of the Revised Code to the prosecutor assigned to the 1029  
case. 1030

(F) A statement that contains information obtained from the system's records that is signed by an officer of the retirement system and to which the system's official seal is affixed, or copies of the system's records to which the signature and seal are attached, shall be received as true copies of the system's records in any court or before any officer of this state.

Sec. 3307.373. Notwithstanding any other provision of this chapter, a disability benefit granted under this chapter is subject to an order issued under section 2929.193 of the Revised Code. The state teachers retirement board shall comply with the order.

On receipt of notice under section 2901.43 of the Revised Code that a state teachers retirement system member is charged with an offense listed in division (D) of section 2929.192 of the Revised Code under the circumstances specified in that division, the system shall determine whether the member has been granted a disability benefit. If so, the system shall send written notice to the prosecutor assigned to the case that the member has been granted a disability benefit under this chapter and may be subject to section 2929.193 of the Revised Code.

**Sec. 3307.41.** The right of an individual to a pension, an annuity, or a retirement allowance itself, the right of an individual to any optional benefit, or any other right or benefit accrued or accruing to any individual under this chapter, the various funds created by section 3307.14 of the Revised Code, and all moneys, investments, and income from moneys or investments are exempt from any state tax, except the tax imposed by section 5747.02 of the Revised Code, and are exempt from any county, municipal, or other local tax, except taxes imposed pursuant to section 5748.02 or 5748.08 of the Revised Code, and, except as provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81,

3121.02, 3121.03, 3123.06, 3307.37, ~~and 3307.372, and 3307.373~~ of 1062  
the Revised Code, shall not be subject to execution, garnishment, 1063  
attachment, the operation of bankruptcy or insolvency laws, or any 1064  
other process of law whatsoever, and shall be unassignable except 1065  
as specifically provided in this chapter or sections 3105.171, 1066  
3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 1067  
of the Revised Code. 1068

**Sec. 3307.42.** ~~The~~ Except as provided in section 3307.373 of 1069  
the Revised Code, the granting to any person of an allowance, 1070  
annuity, ~~or~~ pension, ~~as defined in section or other benefit under~~ 1071  
the plan described in sections 3307.50 to 3307.79 of the Revised 1072  
Code, or the granting of a benefit under a plan established under 1073  
section 3307.81 of the Revised Code, pursuant to an action of the 1074  
state teachers' retirement board vests a right in such person, so 1075  
long as the person remains the beneficiary of any of the funds 1076  
established by section 3307.14 of the Revised Code, to receive the 1077  
allowance, annuity, pension, or benefit at the rate fixed at the 1078  
time of granting the allowance, annuity, pension, or benefit. Such 1079  
right shall also be vested with equal effect in the beneficiary of 1080  
a grant heretofore made from any of the funds named in section 1081  
3307.14 of the Revised Code. 1082

**Sec. 3309.22.** (A)(1) As used in this division, "personal 1083  
history record" means information maintained by the board on an 1084  
individual who is a member, former member, contributor, former 1085  
contributor, retirant, or beneficiary that includes the address, 1086  
telephone number, social security number, record of contributions, 1087  
correspondence with the system, and other information the board 1088  
determines to be confidential. 1089

(2) The records of the board shall be open to public 1090  
inspection, except for the following, which shall be excluded, 1091  
except with the written authorization of the individual concerned: 1092

(a) The individual's statement of previous service and other 1093  
information as provided for in section 3309.28 of the Revised 1094  
Code; 1095

(b) Any information identifying by name and address the 1096  
amount of a monthly allowance or benefit paid to the individual; 1097

(c) The individual's personal history record. 1098

(B) All medical reports and recommendations required by the 1099  
system are privileged except ~~that copies~~ as follows: 1100

(1) Copies of such medical reports or recommendations shall 1101  
be made available to the personal physician, attorney, or 1102  
authorized agent of the individual concerned upon written release 1103  
received from the individual or the individual's agent, or when 1104  
necessary for the proper administration of the fund, to the board 1105  
assigned physician. 1106

(2) Documentation required by section 2929.193 of the Revised 1107  
Code shall be provided to a court holding a hearing under that 1108  
section. 1109

(C) Any person who is a contributor of the system shall be 1110  
furnished, on written request, with a statement of the amount to 1111  
the credit of the person's account. The board need not answer more 1112  
than one such request of a person in any one year. 1113

(D) Notwithstanding the exceptions to public inspection in 1114  
division (A)(2) of this section, the board may furnish the 1115  
following information: 1116

(1) If a member, former member, contributor, former 1117  
contributor, or retirant is subject to an order issued under 1118  
section 2907.15 of the Revised Code or an order issued under 1119  
division (A) or (B) of section 2929.192 of the Revised Code or is 1120  
convicted of or pleads guilty to a violation of section 2921.41 of 1121  
the Revised Code, on written request of a prosecutor as defined in 1122

section 2935.01 of the Revised Code, the board shall furnish to 1123  
the prosecutor the information requested from the individual's 1124  
personal history record. 1125

(2) Pursuant to a court or administrative order issued under 1126  
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 1127  
Revised Code, the board shall furnish to a court or child support 1128  
enforcement agency the information required under that section. 1129

(3) At the written request of any person, the board shall 1130  
provide to the person a list of the names and addresses of 1131  
members, former members, retirants, contributors, former 1132  
contributors, or beneficiaries. The costs of compiling, copying, 1133  
and mailing the list shall be paid by such person. 1134

(4) Within fourteen days after receiving from the director of 1135  
job and family services a list of the names and social security 1136  
numbers of recipients of public assistance pursuant to section 1137  
5101.181 of the Revised Code, the board shall inform the auditor 1138  
of state of the name, current or most recent employer address, and 1139  
social security number of each contributor whose name and social 1140  
security number are the same as that of a person whose name or 1141  
social security number was submitted by the director. The board 1142  
and its employees shall, except for purposes of furnishing the 1143  
auditor of state with information required by this section, 1144  
preserve the confidentiality of recipients of public assistance in 1145  
compliance with division (A) of section 5101.181 of the Revised 1146  
Code. 1147

(5) The system shall comply with orders issued under section 1148  
3105.87 of the Revised Code. 1149

On the written request of an alternate payee, as defined in 1150  
section 3105.80 of the Revised Code, the system shall furnish to 1151  
the alternate payee information on the amount and status of any 1152  
amounts payable to the alternate payee under an order issued under 1153

section 3105.171 or 3105.65 of the Revised Code. 1154

(6) At the request of any person, the board shall make 1155  
available to the person copies of all documents, including 1156  
resumes, in the board's possession regarding filling a vacancy of 1157  
an employee member or retirant member of the board. The person who 1158  
made the request shall pay the cost of compiling, copying, and 1159  
mailing the documents. The information described in this division 1160  
is a public record. 1161

(7) The system shall provide the notice required by section 1162  
3309.673 of the Revised Code to the prosecutor assigned to the 1163  
case. 1164

(E) A statement that contains information obtained from the 1165  
system's records that is signed by an officer of the retirement 1166  
system and to which the system's official seal is affixed, or 1167  
copies of the system's records to which the signature and seal are 1168  
attached, shall be received as true copies of the system's records 1169  
in any court or before any officer of this state. 1170

**Sec. 3309.66.** The right of an individual to a pension, an 1171  
annuity, or a retirement allowance itself, the right of an 1172  
individual to any optional benefit, any other right accrued or 1173  
accruing to any individual under this chapter, the various funds 1174  
created by section 3309.60 of the Revised Code, and all moneys, 1175  
investments, and income from moneys and investments are exempt 1176  
from any state tax, except the tax imposed by section 5747.02 of 1177  
the Revised Code, and are exempt from any county, municipal, or 1178  
other local tax, except taxes imposed pursuant to section 5748.02 1179  
or 5748.08 of the Revised Code, and, except as provided in 1180  
sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 1181  
3121.03, 3123.06, 3309.67, ~~and~~ 3309.672, and 3309.673 of the 1182  
Revised Code, shall not be subject to execution, garnishment, 1183  
attachment, the operation of bankruptcy or insolvency laws, or any 1184

other process of law whatsoever, and shall be unassignable except 1185  
as specifically provided in this chapter and in sections 3105.171, 1186  
3105.65, 3115.32, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 1187  
of the Revised Code. 1188

**Sec. 3309.661.** The Except as provided in section 3309.673 of 1189  
the Revised Code, the granting of a retirement allowance, annuity, 1190  
pension, or other benefit to any person pursuant to action of the 1191  
school employees retirement board vests a right in such person, so 1192  
long as ~~he~~ the person remains the recipient of any of the funds 1193  
established by section 3309.60 of the Revised Code, to receive 1194  
such retirement allowance, annuity, pension, or benefit. Such 1195  
right shall also be vested with equal effect in the recipient of a 1196  
grant heretofore made from any of the funds named in section 1197  
3309.60 of the Revised Code. 1198

**Sec. 3309.673.** Notwithstanding any other provision of this 1199  
chapter, a disability benefit granted under this chapter is 1200  
subject to an order issued under section 2929.193 of the Revised 1201  
Code. The school employees retirement board shall comply with the 1202  
order. 1203

On receipt of notice under section 2901.43 of the Revised 1204  
Code that a school employees retirement system member is charged 1205  
with an offense listed in division (D) of section 2929.192 of the 1206  
Revised Code under the circumstances specified in that division, 1207  
the system shall determine whether the member has been granted a 1208  
disability benefit. If so, the system shall send written notice to 1209  
the prosecutor assigned to the case that the member has been 1210  
granted a disability benefit under this chapter and may be subject 1211  
to section 2929.193 of the Revised Code. 1212

**Sec. 3309.82.** (A) Except as provided in division (B) of this 1213  
section, sections 3309.02, 3309.021, and 3309.022 and sections 1214



3309.18 to 3309.70 of the Revised Code do not apply to a plan 1215  
established under section 3309.81 of the Revised Code, except that 1216  
a plan may incorporate provisions of those sections as specified 1217  
in the plan document. 1218

(B) The following sections of Chapter 3309. of the Revised 1219  
Code apply to a plan established under section 3309.81 of the 1220  
Revised Code: sections 3309.19, 3309.21, 3309.22, 3309.23, 1221  
3309.24, 3309.25, 3309.251, 3309.252, 3309.253, 3309.28, 3309.29, 1222  
3309.341, 3309.3712, 3309.47, 3309.471, 3309.49, 3309.51, 3309.53, 1223  
3309.54, 3309.55, 3309.56, 3309.57, 3309.571, 3309.58, 3309.59, 1224  
3309.60, 3309.61, 3309.62, 3309.66, 3309.661, 3309.67, 3309.672, 1225  
3309.673, 3309.68, and 3309.70 of the Revised Code. 1226

**Sec. 3309.95.** Subject to sections 3309.341, 3309.66, 3309.67, 1227  
~~and~~ 3309.672, and 3309.673 of the Revised Code, the right of a 1228  
member participating in a plan established under section 3309.81 1229  
of the Revised Code to any payment or benefit accruing from 1230  
contributions made by or on behalf of the member under sections 1231  
3309.85 and 3309.86 of the Revised Code shall vest in accordance 1232  
with this section. 1233

A member's right to any payment or benefit that is based on 1234  
the member's contributions is nonforfeitable. 1235

A member's right to any payment or benefit that is based on 1236  
contributions by the member's employer is nonforfeitable as 1237  
specified by the plan selected by the member. 1238

**Sec. 4121.12.** (A) There is hereby created the bureau of 1239  
workers' compensation board of directors consisting of eleven 1240  
members to be appointed by the governor with the advice and 1241  
consent of the senate. One member shall be an individual who, on 1242  
account of the individual's previous vocation, employment, or 1243  
affiliations, can be classed as a representative of employees; two 1244

members shall be individuals who, on account of their previous 1245  
vocation, employment, or affiliations, can be classed as 1246  
representatives of employee organizations and at least one of 1247  
these two individuals shall be a member of the executive committee 1248  
of the largest statewide labor federation; three members shall be 1249  
individuals who, on account of their previous vocation, 1250  
employment, or affiliations, can be classed as representatives of 1251  
employers, one of whom represents self-insuring employers, one of 1252  
whom is a state fund employer who employs one hundred or more 1253  
employees, and one of whom is a state fund employer who employs 1254  
less than one hundred employees; two members shall be individuals 1255  
who, on account of their vocation, employment, or affiliations, 1256  
can be classed as investment and securities experts who have 1257  
direct experience in the management, analysis, supervision, or 1258  
investment of assets and are residents of this state; one member 1259  
who shall be a certified public accountant; one member who shall 1260  
be an actuary who is a member in good standing with the American 1261  
academy of actuaries or who is an associate or fellow with the 1262  
casualty actuarial society ~~of actuaries~~; and one member shall 1263  
represent the public and also be an individual who, on account of 1264  
the individual's previous vocation, employment, or affiliations, 1265  
cannot be classed as either predominantly representative of 1266  
employees or of employers. The governor shall select the 1267  
chairperson of the board who shall serve as chairperson at the 1268  
pleasure of the governor. 1269

None of the members of the board, within one year immediately 1270  
preceding the member's appointment, shall have been employed by 1271  
the bureau of workers' compensation or by any person, partnership, 1272  
or corporation that has provided to the bureau services of a 1273  
financial or investment nature, including the management, 1274  
analysis, supervision, or investment of assets. 1275

(B) Of the initial appointments made to the board, the 1276

governor shall appoint the member who represents employees, one 1277  
member who represents employers, and the member who represents the 1278  
public to a term ending one year after June 11, 2007; one member 1279  
who represents employers, one member who represents employee 1280  
organizations, one member who is an investment and securities 1281  
expert, and the member who is a certified public accountant to a 1282  
term ending two years after June 11, 2007; and one member who 1283  
represents employers, one member who represents employee 1284  
organizations, one member who is an investment and securities 1285  
expert, and the member who is an actuary to a term ending three 1286  
years after June 11, 2007. Thereafter, terms of office shall be 1287  
for three years, with each term ending on the same day of the same 1288  
month as did the term that it succeeds. Each member shall hold 1289  
office from the date of the member's appointment until the end of 1290  
the term for which the member was appointed. 1291

Members may be reappointed. Any member appointed to fill a 1292  
vacancy occurring prior to the expiration date of the term for 1293  
which the member's predecessor was appointed shall hold office as 1294  
a member for the remainder of that term. A member shall continue 1295  
in office subsequent to the expiration date of the member's term 1296  
until a successor takes office or until a period of sixty days has 1297  
elapsed, whichever occurs first. 1298

(C) In making appointments to the board, the governor shall 1299  
select the members from the list of names submitted by the 1300  
workers' compensation board of directors nominating committee 1301  
pursuant to this division. The nominating committee shall submit 1302  
to the governor a list containing four separate names for each of 1303  
the members on the board. Within fourteen days after the 1304  
submission of the list, the governor shall appoint individuals 1305  
from the list. 1306

At least thirty days prior to a vacancy occurring as a result 1307  
of the expiration of a term and within thirty days after other 1308

vacancies occurring on the board, the nominating committee shall 1309  
submit an initial list containing four names for each vacancy. 1310  
Within fourteen days after the submission of the initial list, the 1311  
governor either shall appoint individuals from that list or 1312  
request the nominating committee to submit another list of four 1313  
names for each member the governor has not appointed from the 1314  
initial list, which list the nominating committee shall submit to 1315  
the governor within fourteen days after the governor's request. 1316  
The governor then shall appoint, within seven days after the 1317  
submission of the second list, one of the individuals from either 1318  
list to fill the vacancy for which the governor has not made an 1319  
appointment from the initial list. If the governor appoints an 1320  
individual to fill a vacancy occurring as a result of the 1321  
expiration of a term, the individual appointed shall begin serving 1322  
as a member of the board when the term for which the individual's 1323  
predecessor was appointed expires or immediately upon appointment 1324  
by the governor, whichever occurs later. With respect to the 1325  
filling of vacancies, the nominating committee shall provide the 1326  
governor with a list of four individuals who are, in the judgment 1327  
of the nominating committee, the most fully qualified to accede to 1328  
membership on the board. 1329

In order for the name of an individual to be submitted to the 1330  
governor under this division, the nominating committee shall 1331  
approve the individual by an affirmative vote of a majority of its 1332  
members. 1333

(D) All members of the board shall receive their reasonable 1334  
and necessary expenses pursuant to section 126.31 of the Revised 1335  
Code while engaged in the performance of their duties as members 1336  
and also shall receive an annual salary not to exceed sixty 1337  
thousand dollars in total, payable on the following basis: 1338

(1) Except as provided in division (D)(2) of this section, a 1339  
member shall receive two thousand five hundred dollars during a 1340

month in which the member attends one or more meetings of the 1341  
board and shall receive no payment during a month in which the 1342  
member attends no meeting of the board. 1343

(2) A member may receive no more than thirty thousand dollars 1344  
per year to compensate the member for attending meetings of the 1345  
board, regardless of the number of meetings held by the board 1346  
during a year or the number of meetings in excess of twelve within 1347  
a year that the member attends. 1348

(3) Except as provided in division (D)(4) of this section, if 1349  
a member serves on the workers' compensation audit committee, 1350  
workers' compensation actuarial committee, or the workers' 1351  
compensation investment committee, the member shall receive two 1352  
thousand five hundred dollars during a month in which the member 1353  
attends one or more meetings of the committee on which the member 1354  
serves and shall receive no payment during any month in which the 1355  
member attends no meeting of that committee. 1356

(4) A member may receive no more than thirty thousand dollars 1357  
per year to compensate the member for attending meetings of any of 1358  
the committees specified in division (D)(3) of this section, 1359  
regardless of the number of meetings held by a committee during a 1360  
year or the number of committees on which a member serves. 1361

The chairperson of the board shall set the meeting dates of 1362  
the board as necessary to perform the duties of the board under 1363  
this chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of 1364  
the Revised Code. The board shall meet at least twelve times a 1365  
year. The administrator of workers' compensation shall provide 1366  
professional and clerical assistance to the board, as the board 1367  
considers appropriate. 1368

(E) Before entering upon the duties of office, each appointed 1369  
member of the board shall take an oath of office as required by 1370  
sections 3.22 and 3.23 of the Revised Code and file in the office 1371

of the secretary of state the bond required under section 4121.127 1372  
of the Revised Code. 1373

(F) The board shall: 1374

(1) Establish the overall administrative policy for the 1375  
bureau for the purposes of this chapter and Chapters 4123., 4125., 1376  
4127., 4131., and 4167. of the Revised Code; 1377

(2) Review progress of the bureau in meeting its cost and 1378  
quality objectives and in complying with this chapter and Chapters 1379  
4123., 4125., 4127., 4131., and 4167. of the Revised Code; 1380

(3) Submit an annual report to the president of the senate, 1381  
the speaker of the house of representatives, the governor, and the 1382  
workers' compensation council and include all of the following in 1383  
that report: 1384

(a) An evaluation of the cost and quality objectives of the 1385  
bureau; 1386

(b) A statement of the net assets available for the provision 1387  
of compensation and benefits under this chapter and Chapters 1388  
4123., 4127., and 4131. of the Revised Code as of the last day of 1389  
the fiscal year; 1390

(c) A statement of any changes that occurred in the net 1391  
assets available, including employer premiums and net investment 1392  
income, for the provision of compensation and benefits and payment 1393  
of administrative expenses, between the first and last day of the 1394  
fiscal year immediately preceding the date of the report; 1395

(d) The following information for each of the six consecutive 1396  
fiscal years occurring previous to the report: 1397

(i) A schedule of the net assets available for compensation 1398  
and benefits; 1399

(ii) The annual cost of the payment of compensation and 1400  
benefits; 1401

(iii) Annual administrative expenses incurred;	1402
(iv) Annual employer premiums allocated for the provision of compensation and benefits.	1403 1404
(e) A description of any significant changes that occurred during the six years for which the board provided the information required under division (F)(3)(d) of this section that affect the ability of the board to compare that information from year to year.	1405 1406 1407 1408 1409
(4) Review all independent financial audits of the bureau. The administrator shall provide access to records of the bureau to facilitate the review required under this division.	1410 1411 1412
(5) Study issues as requested by the administrator or the governor;	1413 1414
(6) Contract with all of the following:	1415
(a) An independent actuarial firm to assist the board in making recommendations to the administrator regarding premium rates;	1416 1417 1418
(b) An outside investment counsel to assist the workers' compensation investment committee in fulfilling its duties;	1419 1420
(c) An independent fiduciary counsel to assist the board in the performance of its duties.	1421 1422
(7) Approve the investment policy developed by the workers' compensation investment committee pursuant to section 4121.129 of the Revised Code if the policy satisfies the requirements specified in section 4123.442 of the Revised Code.	1423 1424 1425 1426
(8) Review and publish the investment policy no less than annually and make copies available to interested parties.	1427 1428
(9) Prohibit, on a prospective basis, any specific investment it finds to be contrary to the investment policy approved by the board.	1429 1430 1431

(10) Vote to open each investment class and allow the 1432  
administrator to invest in an investment class only if the board, 1433  
by a majority vote, opens that class; 1434

(11) After opening a class but prior to the administrator 1435  
investing in that class, adopt rules establishing due diligence 1436  
standards for employees of the bureau to follow when investing in 1437  
that class and establish policies and procedures to review and 1438  
monitor the performance and value of each investment class; 1439

(12) Submit a report annually on the performance and value of 1440  
each investment class to the governor, the president and minority 1441  
leader of the senate, the speaker and minority leader of the house 1442  
of representatives, and the workers' compensation council. 1443

(13) Advise and consent on all of the following: 1444

(a) Administrative rules the administrator submits to it 1445  
pursuant to division (B)(5) of section 4121.121 of the Revised 1446  
Code for the classification of occupations or industries, for 1447  
premium rates and contributions, for the amount to be credited to 1448  
the surplus fund, for rules and systems of rating, rate revisions, 1449  
and merit rating; 1450

(b) The duties and authority conferred upon the administrator 1451  
pursuant to section 4121.37 of the Revised Code; 1452

(c) Rules the administrator adopts for the health partnership 1453  
program and the qualified health plan system, as provided in 1454  
sections 4121.44, 4121.441, and 4121.442 of the Revised Code; 1455

(d) Rules the administrator submits to it pursuant to Chapter 1456  
4167. of the Revised Code regarding the public employment risk 1457  
reduction program and the protection of public health care workers 1458  
from exposure incidents. 1459

As used in this division, "public health care worker" and 1460  
"exposure incident" have the same meanings as in section 4167.25 1461



of the Revised Code. 1462

(14) Perform all duties required under this chapter and 1463  
Chapters 4123., 4125., 4127., 4131., and 4167. of the Revised 1464  
Code; 1465

(15) Meet with the governor on an annual basis to discuss the 1466  
administrator's performance of the duties specified in this 1467  
chapter and Chapters 4123., 4125., 4127., 4131., and 4167. of the 1468  
Revised Code; 1469

(16) Develop and participate in a bureau of workers' 1470  
compensation board of directors education program that consists of 1471  
all of the following: 1472

(a) An orientation component for newly appointed members; 1473

(b) A continuing education component for board members who 1474  
have served for at least one year; 1475

(c) A curriculum that includes education about each of the 1476  
following topics: 1477

(i) Board member duties and responsibilities; 1478

(ii) Compensation and benefits paid pursuant to this chapter 1479  
and Chapters 4123., 4127., and 4131. of the Revised Code; 1480

(iii) Ethics; 1481

(iv) Governance processes and procedures; 1482

(v) Actuarial soundness; 1483

(vi) Investments; 1484

(vii) Any other subject matter the board believes is 1485  
reasonably related to the duties of a board member. 1486

(17) Submit the program developed pursuant to division 1487  
(F)(16) of this section to the workers' compensation council for 1488  
approval; 1489

(18) Hold all sessions, classes, and other events for the 1490  
program developed pursuant to division (F)(16) of this section in 1491  
this state. 1492

(G) The board may do both of the following: 1493

(1) Vote to close any investment class; 1494

(2) Create any committees in addition to the workers' 1495  
compensation audit committee, the workers' compensation actuarial 1496  
committee, and the workers' compensation investment committee that 1497  
the board determines are necessary to assist the board in 1498  
performing its duties. 1499

(H) The office of a member of the board who is convicted of 1500  
or pleads guilty to a felony, a theft offense as defined in 1501  
section 2913.01 of the Revised Code, or a violation of section 1502  
102.02, 102.03, 102.04, 2921.02, 2921.11, 2921.13, 2921.31, 1503  
2921.41, 2921.42, 2921.43, or 2921.44 of the Revised Code shall be 1504  
deemed vacant. The vacancy shall be filled in the same manner as 1505  
the original appointment. A person who has pleaded guilty to or 1506  
been convicted of an offense of that nature is ineligible to be a 1507  
member of the board. A member who receives a bill of indictment 1508  
for any of the offenses specified in this section shall be 1509  
automatically suspended from the board pending resolution of the 1510  
criminal matter. 1511

(I) For the purposes of division (G)(1) of section 121.22 of 1512  
the Revised Code, the meeting between the governor and the board 1513  
to review the administrator's performance as required under 1514  
division (F)(15) of this section shall be considered a meeting 1515  
regarding the employment of the administrator. 1516

**Sec. 4121.123.** (A) There is hereby created the workers' 1517  
compensation board of directors nominating committee consisting of 1518  
the following: 1519

(1) Three individuals who are members of affiliated employee 1520  
organizations of the Ohio chapter of the American federation of 1521  
labor-congress of industrial organizations, who are selected by 1522  
the Ohio chapter of the American federation of labor-congress of 1523  
industrial organizations and who, on account of their previous 1524  
vocation, employment, or affiliations, can be classed as 1525  
representative of employees who are members of an employee 1526  
organization. Terms of office shall be for one year, with each 1527  
term ending on the same day of the same month as did the term that 1528  
it succeeds. 1529

(2) Two individuals who, on account of their previous 1530  
vocation, employment, or affiliations, can be classed as 1531  
representative of employees, one of whom shall be an injured 1532  
worker with a valid, open, and active workers' compensation claim 1533  
and at least one of these two representatives also shall represent 1534  
employees who are not members of an employee organization. The 1535  
president of the senate and the speaker of the house of 1536  
representatives each shall appoint annually one of these members. 1537  
The member who is an injured worker shall serve for a full term 1538  
even if the member's workers' compensation claim is invalidated, 1539  
closed, or inactivated during the member's term. 1540

(3) The chief executive officer, or the equivalent of the 1541  
chief executive officer, of the Ohio chamber of commerce, the Ohio 1542  
manufacturers' association, the Ohio self-insurers' association, 1543  
the Ohio council of retail merchants, ~~and of either~~ the national 1544  
federation of independent business ~~or, and~~ the Ohio farm bureau ~~as~~ 1545  
~~jointly selected by the national federation of independent~~ 1546  
~~business and the Ohio farm bureau;~~ 1547

(4) The director of development; 1548

(5) The president of ~~the Ohio municipal league,~~ the Ohio 1549  
township association, and the president of the Ohio county 1550  
commissioners association, or, in the event of a vacancy in the 1551

presidency, a designee appointed by the governing body authorized 1552  
to appoint the president. A designee so appointed shall serve on 1553  
the nominating committee only until the vacancy in the presidency 1554  
is filled. 1555

(B) Each member appointed under divisions (A)(1) and (2) of 1556  
this section shall hold office from the date of the member's 1557  
appointment until the end of the term for which the member was 1558  
appointed. Such members may be reappointed. Vacancies shall be 1559  
filled in the manner provided for original appointments. Any such 1560  
member appointed to fill a vacancy occurring prior to the 1561  
expiration date of the term for which the member's predecessor was 1562  
appointed shall hold office as a member for the remainder of that 1563  
term. Such a member shall continue in office subsequent to the 1564  
expiration date of the member's term until the member's successor 1565  
takes office or until a period of sixty days has elapsed, 1566  
whichever occurs first. 1567

(C) The nominating committee shall meet at the request of the 1568  
governor or as the nominating committee determines appropriate in 1569  
order to make recommendations to the governor for the appointment 1570  
of members of the bureau of workers' compensation board of 1571  
directors under section 4121.12 of the Revised Code. 1572

(D) The director of development shall serve as chairperson of 1573  
the nominating committee and have no voting rights on matters 1574  
coming before the nominating committee, except that the director 1575  
may vote in the event of a tie vote of the nominating committee. 1576  
Annually, the nominating committee shall select a secretary from 1577  
among its members. The nominating committee may adopt by-laws 1578  
governing its proceedings. 1579

(E) Members of the nominating committee shall be paid their 1580  
reasonable and necessary expenses pursuant to section 126.31 of 1581  
the Revised Code while engaged in the performance of their duties 1582  
as members of the nominating committee. 1583

(F) The nominating committee shall: 1584

(1) Review and evaluate possible appointees for the board. In 1585  
reviewing and evaluating possible appointees for the board, the 1586  
nominating committee may accept comments from, cooperate with, and 1587  
request information from any person. 1588

(2) Make recommendations to the governor for the appointment 1589  
of members to the board as provided in division (C) of section 1590  
4121.12 of the Revised Code. 1591

(G) The nominating committee may make recommendations to the 1592  
general assembly concerning changes in legislation that will 1593  
assist the nominating committee in the performance of its duties. 1594

**Sec. 4121.125.** (A) The bureau of workers' compensation board 1595  
of directors, based upon recommendations of the workers' 1596  
compensation actuarial committee, may contract with one or more 1597  
outside actuarial firms and other professional persons, as the 1598  
board determines necessary, to assist the board in measuring the 1599  
performance of Ohio's workers' compensation system and in 1600  
comparing Ohio's workers' compensation system to other state and 1601  
private workers' compensation systems. The board, actuarial firm 1602  
or firms, and professional persons shall make such measurements 1603  
and comparisons using accepted insurance industry standards, 1604  
including, but not limited to, standards promulgated by the 1605  
National Council on Compensation Insurance. 1606

(B) The board may contract with one or more outside firms to 1607  
conduct management and financial audits of the workers' 1608  
compensation system, including audits of the reserve fund 1609  
belonging to the state insurance fund, and to establish objective 1610  
quality management principles and methods by which to review the 1611  
performance of the workers' compensation system. 1612

(C) The board shall do all of the following: 1613

(1) Contract to have prepared annually by or under the 1614  
supervision of an actuary a report that meets the requirements 1615  
specified under division (E) of this section and that consists of 1616  
an actuarial valuation of the assets, liabilities, and funding 1617  
requirements of the state insurance fund and all other funds 1618  
specified in this chapter and Chapters 4123., 4127., and 4131. of 1619  
the Revised Code; 1620

(2) Require that the actuary or person supervised by an 1621  
actuary referred to in division (C)(1) of this section complete 1622  
the valuation in accordance with the actuarial standards of 1623  
practice promulgated by the actuarial standards board of the 1624  
American academy of actuaries; 1625

(3) Submit the report referred to in division (C)(1) of this 1626  
section to the workers' compensation council and the standing 1627  
committees of the house of representatives and the senate with 1628  
primary responsibility for workers' compensation legislation on or 1629  
before the first day of November following the year for which the 1630  
valuation was made; 1631

(4) Have an actuary or a person who provides actuarial 1632  
services under the supervision of an actuary, at such time as the 1633  
board determines, and at least once during the five-year period 1634  
that commences on September 10, 2007, and once within each 1635  
five-year period thereafter, conduct an actuarial investigation of 1636  
the experience of employers, the mortality, service, and injury 1637  
rate of employees, and the payment of temporary total disability, 1638  
permanent partial disability, and permanent total disability under 1639  
sections 4123.56 to 4123.58 of the Revised Code to update the 1640  
actuarial assumptions used in the report required by division 1641  
(C)(1) of this section; 1642

(5) Submit the report required under division (F) of this 1643  
section to the council and the standing committees of the house of 1644  
representatives and the senate with primary responsibility for 1645

workers' compensation legislation not later than the first day of 1646  
November following the fifth year of the period that the report 1647  
covers; 1648

(6) Have prepared by or under the supervision of an actuary 1649  
an actuarial analysis of any introduced legislation expected to 1650  
have a measurable financial impact on the workers' compensation 1651  
system; 1652

(7) Submit the report required under division (G) of this 1653  
section to the legislative service commission, the standing 1654  
committees of the house of representatives and the senate with 1655  
primary responsibility for workers' compensation legislation, and 1656  
the council not later than sixty days after the date of 1657  
introduction of the legislation. 1658

(D) The administrator of workers' compensation and the 1659  
industrial commission shall compile information and provide access 1660  
to records of the bureau and the industrial commission to the 1661  
board to the extent necessary for fulfillment of both of the 1662  
following requirements: 1663

(1) Conduct of the measurements and comparisons described in 1664  
division (A) of this section; 1665

(2) Conduct of the management and financial audits and 1666  
establishment of the principles and methods described in division 1667  
(B) of this section. 1668

(E) The firm or person with whom the board contracts pursuant 1669  
to division (C)(1) of this section shall prepare a report of the 1670  
valuation and submit the report to the board. The firm or person 1671  
shall include all of the following information in the report that 1672  
is required under division (C)(1) of this section: 1673

(1) A summary of the compensation and benefit provisions 1674  
evaluated; 1675

(2) <del>A summary of the census data and financial information</del>	1676
<del>used in the valuation;</del>	1677
<del>(3) A description of the actuarial assumptions, <u>and</u> actuarial</del>	1678
<del>cost method, and asset valuation method used in the valuation;</del>	1679
<del>(4) A summary of findings that includes a statement of the</del>	1680
<del>actuarial accrued compensation and benefit liabilities and</del>	1681
<del>unfunded actuarial accrued compensation and benefit liabilities;</del>	1682
<del>(5)</del> (3) A schedule showing the effect of any changes in the	1683
compensation and benefit provisions, actuarial assumptions, or	1684
cost methods since the previous annual actuarial valuation report	1685
was submitted to the board.	1686
(F) The actuary or person whom the board designates to	1687
conduct an actuarial investigation under division (C)(4) of this	1688
section shall prepare a report of the actuarial investigation and	1689
shall submit the report to the board. The actuary or person shall	1690
prepare the report and make any recommended changes in actuarial	1691
assumptions in accordance with the actuarial standards of practice	1692
promulgated by the actuarial standards board of the American	1693
academy of actuaries. The actuary or person shall include all of	1694
the following information in the report:	1695
(1) A summary of relevant decrement and economic assumption	1696
experience;	1697
(2) Recommended changes in actuarial assumptions to be used	1698
in subsequent actuarial valuations required by division (C)(1) of	1699
this section;	1700
(3) A measurement of the financial effect of the recommended	1701
changes in actuarial assumptions.	1702
(G) The actuary or person whom the board designates to	1703
conduct the actuarial analysis under division (C)(6) of this	1704
section shall prepare a report of the actuarial analysis and shall	1705



submit that report to the board. The actuary or person shall 1706  
complete the analysis in accordance with the actuarial standards 1707  
of practice promulgated by the actuarial standards board of the 1708  
American academy of actuaries. The actuary or person shall include 1709  
all of the following information in the report: 1710

(1) A summary of the statutory changes being evaluated; 1711

(2) A description of or reference to the actuarial 1712  
assumptions and actuarial cost method used in the report; 1713

(3) A description of the participant group or groups included 1714  
in the report; 1715

(4) A statement of the financial impact of the legislation, 1716  
including the resulting increase, if any, in employer premiums, in 1717  
actuarial accrued liabilities, and, if an increase in actuarial 1718  
accrued liabilities is predicted, the per cent of premium increase 1719  
that would be required to amortize the increase in those 1720  
liabilities as a level per cent of employer premiums over a period 1721  
not to exceed thirty years. 1722

(5) A statement of whether the employer premiums paid to the 1723  
bureau of workers' compensation after the proposed change is 1724  
enacted are expected to be sufficient to satisfy the funding 1725  
objectives established by the board. 1726

(H) The board may, at any time, request an actuary to make 1727  
any studies or actuarial valuations to determine the adequacy of 1728  
the premium rates established by the administrator in accordance 1729  
with sections 4123.29 and 4123.34 of the Revised Code, and may 1730  
adjust those rates as recommended by the actuary. 1731

(I) The board shall have an independent auditor, at least 1732  
once every ten years, conduct a fiduciary performance audit of the 1733  
investment program of the bureau of workers' compensation. That 1734  
audit shall include an audit of the investment policies approved 1735  
by the board and investment procedures of the bureau. The board 1736

shall submit a copy of that audit to the auditor of state. 1737

(J) The administrator, with the advice and consent of the 1738  
board, shall employ an internal auditor who shall report findings 1739  
directly to the board, workers' compensation audit committee, and 1740  
administrator, except that the internal auditor shall not report 1741  
findings directly to the administrator when those findings involve 1742  
malfeasance, misfeasance, or nonfeasance on the part of the 1743  
administrator. The board and the workers' compensation audit 1744  
committee may request and review internal audits conducted by the 1745  
internal auditor. 1746

(K) The administrator shall pay the expenses incurred by the 1747  
board to effectively fulfill its duties and exercise its powers 1748  
under this section as the administrator pays other operating 1749  
expenses of the bureau. 1750

**Sec. 4121.32.** (A) The rules covering operating procedure and 1751  
criteria for decision-making that the administrator of workers' 1752  
compensation and the industrial commission are required to adopt 1753  
pursuant to section 4121.31 of the Revised Code shall be 1754  
supplemented with operating manuals setting forth the procedural 1755  
steps in detail for performing each of the assigned tasks of each 1756  
section of the bureau of workers' compensation and commission. The 1757  
administrator and commission jointly shall adopt such manuals. No 1758  
employee may deviate from manual procedures without authorization 1759  
of the section chief. 1760

(B) Manuals shall set forth the procedure for the assignment 1761  
and transfer of claims within sections and be designed to provide 1762  
performance objectives and may require employees to record 1763  
sufficient data to reasonably measure the efficiency of functions 1764  
in all sections. The ~~bureau's division of research and statistics~~ 1765  
bureau shall perform periodic cost-effectiveness analyses ~~which~~ 1766  
that shall be made available to the general assembly, the 1767

governor, and to the public during normal working hours. 1768

(C) The bureau and commission jointly shall develop, adopt, 1769  
and use a policy manual setting forth the guidelines and bases for 1770  
decision-making for any decision which is the responsibility of 1771  
the bureau, district hearing officers, staff hearing officers, or 1772  
the commission. Guidelines shall be set forth in the policy manual 1773  
by the bureau and commission to the extent of their respective 1774  
jurisdictions for deciding at least the following specific 1775  
matters: 1776

(1) Reasonable ambulance services; 1777

(2) Relationship of drugs to injury; 1778

(3) Awarding lump-sum advances for creditors; 1779

(4) Awarding lump-sum advances for attorney's fees; 1780

(5) Placing a claimant into rehabilitation; 1781

(6) Transferring costs of a claim from employer costs to the 1782  
statutory surplus fund pursuant to section 4123.343 of the Revised 1783  
Code; 1784

(7) Utilization of physician specialist reports; 1785

(8) Determining the percentage of permanent partial 1786  
disability, temporary partial disability, temporary total 1787  
disability, violations of specific safety requirements, an award 1788  
under division (B) of section 4123.57 of the Revised Code, and 1789  
permanent total disability. 1790

(D) The bureau shall establish, adopt, and implement policy 1791  
guidelines and bases for decisions involving reimbursement issues 1792  
including, but not limited to, the adjustment of invoices, the 1793  
reduction of payments for future services when an internal audit 1794  
concludes that a health care provider was overpaid or improperly 1795  
paid for past services, reimbursement fees, or other adjustments 1796  
to payments. These policy guidelines and bases for decisions, and 1797

any changes to the guidelines and bases, shall be set forth in a 1798  
reimbursement manual and provider bulletins. 1799

Neither the policy guidelines nor the bases set forth in the 1800  
reimbursement manual or provider bulletins referred to in this 1801  
division is a rule as defined in section 119.01 of the Revised 1802  
Code. 1803

(E) With respect to any determination of disability under 1804  
Chapter 4123. of the Revised Code, when the physician makes a 1805  
determination based upon statements or information furnished by 1806  
the claimant or upon subjective evidence, ~~he~~ the physician shall 1807  
clearly indicate this fact in ~~his~~ the physician's report. 1808

(F) The administrator shall publish the manuals and make 1809  
copies of all manuals available to interested parties at cost. 1810

**Sec. 4121.41.** (A) The administrator of workers' compensation 1811  
shall operate a program designed to inform employees and employers 1812  
of their rights and responsibilities under Chapter 4123. of the 1813  
Revised Code and as part of that program prepare and distribute 1814  
pamphlets, which clearly and simply explain at least all of the 1815  
following: 1816

(1) The rights and responsibilities of claimants and 1817  
employers; 1818

(2) The procedures for processing claims; 1819

(3) The procedure for fulfilling employer responsibility; 1820

(4) All applicable statutes of limitation; 1821

(5) The availability of services and benefits; 1822

(6) The claimant's right to representation in the processing 1823  
of a claim or to elect no representation. 1824

The administrator shall ensure that the provisions of this 1825  
section are faithfully and speedily implemented. 1826

(B) The bureau of workers' compensation shall maintain an 1827  
ongoing program to identify employers subject to Chapter 4123. of 1828  
the Revised Code and to audit employers to ensure an optimum level 1829  
of premium payment. The bureau shall coordinate such efforts with 1830  
other governmental agencies which have information as to employers 1831  
who are subject to Chapter 4123. of the Revised Code. 1832

(C) The administrator ~~of the bureau~~ shall handle complaints 1833  
through the service offices, the claims section, and the ~~ombudsman~~ 1834  
ombudsperson program. The administrator shall provide toll free 1835  
telephone lines for employers and claimants in order to expedite 1836  
the handling of complaints. The bureau shall monitor complaint 1837  
traffic to ensure an adequacy of telephone service to bureau 1838  
offices. ~~The division of research and statistics in the bureau~~ 1839  
shall compile statistics on complaint subjects. Based upon those 1840  
compilations, the bureau shall revise procedures and rules to 1841  
correct major problem areas and submit data and recommendations 1842  
annually to the appropriate committees of the general assembly. 1843

**Sec. 4121.44.** (A) The administrator of workers' compensation 1844  
shall oversee the implementation of the Ohio workers' compensation 1845  
qualified health plan system as established under section 4121.442 1846  
of the Revised Code. 1847

(B) The administrator shall direct the implementation of the 1848  
health partnership program administered by the bureau as set forth 1849  
in section 4121.441 of the Revised Code. To implement the health 1850  
partnership program, the bureau: 1851

(1) Shall certify one or more external vendors, which shall 1852  
be known as "managed care organizations," to provide medical 1853  
management and cost containment services in the health partnership 1854  
program for a period of two years beginning on the date of 1855  
certification, consistent with the standards established under 1856  
this section; 1857

(2) May recertify external vendors for additional periods of 1858  
two years; and 1859

(3) May integrate the certified vendors with bureau staff and 1860  
existing bureau services for purposes of operation and training to 1861  
allow the bureau to assume operation of the health partnership 1862  
program at the conclusion of the certification periods set forth 1863  
in division (B)(1) or (2) of this section. 1864

(C) Any vendor selected shall demonstrate all of the 1865  
following: 1866

(1) Arrangements and reimbursement agreements with a 1867  
substantial number of the medical, professional and pharmacy 1868  
providers currently being utilized by claimants. 1869

(2) Ability to accept a common format of medical bill data in 1870  
an electronic fashion from any provider who wishes to submit 1871  
medical bill data in that form. 1872

(3) A computer system able to handle the volume of medical 1873  
bills and willingness to customize that system to the bureau's 1874  
needs and to be operated by the vendor's staff, bureau staff, or 1875  
some combination of both staffs. 1876

(4) A prescription drug system where pharmacies on a 1877  
statewide basis have access to the eligibility and pricing, at a 1878  
discounted rate, of all prescription drugs. 1879

(5) A tracking system to record all telephone calls from 1880  
claimants and providers regarding the status of submitted medical 1881  
bills so as to be able to track each inquiry. 1882

(6) Data processing capacity to absorb all of the bureau's 1883  
medical bill processing or at least that part of the processing 1884  
which the bureau arranges to delegate. 1885

(7) Capacity to store, retrieve, array, simulate, and model 1886  
in a relational mode all of the detailed medical bill data so that 1887

analysis can be performed in a variety of ways and so that the 1888  
bureau and its governing authority can make informed decisions. 1889

(8) Wide variety of software programs which translate medical 1890  
terminology into standard codes, and which reveal if a provider is 1891  
manipulating the procedures codes, commonly called "unbundling." 1892

(9) Necessary professional staff to conduct, at a minimum, 1893  
authorizations for treatment, medical necessity, utilization 1894  
review, concurrent review, post-utilization review, and have the 1895  
attendant computer system which supports such activity and 1896  
measures the outcomes and the savings. 1897

(10) Management experience and flexibility to be able to 1898  
react quickly to the needs of the bureau in the case of required 1899  
change in federal or state requirements. 1900

(D)(1) Information contained in a vendor's application for 1901  
certification in the health partnership program, and other 1902  
information furnished to the bureau by a vendor for purposes of 1903  
obtaining certification or to comply with performance and 1904  
financial auditing requirements established by the administrator, 1905  
is for the exclusive use and information of the bureau in the 1906  
discharge of its official duties, and shall not be open to the 1907  
public or be used in any court in any proceeding pending therein, 1908  
unless the bureau is a party to the action or proceeding, but the 1909  
information may be tabulated and published by the bureau in 1910  
statistical form for the use and information of other state 1911  
departments and the public. No employee of the bureau, except as 1912  
otherwise authorized by the administrator, shall divulge any 1913  
information secured by the employee while in the employ of the 1914  
bureau in respect to a vendor's application for certification or 1915  
in respect to the business or other trade processes of any vendor 1916  
to any person other than the administrator or to the employee's 1917  
superior. 1918

(2) Notwithstanding the restrictions imposed by division 1919  
(D)(1) of this section, the governor, members of select or 1920  
standing committees of the senate or house of representatives, the 1921  
auditor of state, the attorney general, or their designees, 1922  
pursuant to the authority granted in this chapter and Chapter 1923  
4123. of the Revised Code, may examine any vendor application or 1924  
other information furnished to the bureau by the vendor. None of 1925  
those individuals shall divulge any information secured in the 1926  
exercise of that authority in respect to a vendor's application 1927  
for certification or in respect to the business or other trade 1928  
processes of any vendor to any person. 1929

(E) On and after January 1, 2001, a vendor shall not be any 1930  
insurance company holding a certificate of authority issued 1931  
pursuant to Title XXXIX of the Revised Code or any health insuring 1932  
corporation holding a certificate of authority under Chapter 1751. 1933  
of the Revised Code. 1934

(F) The administrator may limit freedom of choice of health 1935  
care provider or supplier by requiring, beginning with the period 1936  
set forth in division (B)(1) or (2) of this section, that 1937  
claimants shall pay an appropriate out-of-plan copayment for 1938  
selecting a medical provider not within the health partnership 1939  
program as provided for in this section. 1940

(G) The administrator, six months prior to the expiration of 1941  
the bureau's certification or recertification of the vendor or 1942  
vendors as set forth in division (B)(1) or (2) of this section, 1943  
may certify and provide evidence to the governor, the speaker of 1944  
the house of representatives, and the president of the senate that 1945  
the existing bureau staff is able to match or exceed the 1946  
performance and outcomes of the external vendor or vendors and 1947  
that the bureau should be permitted to internally administer the 1948  
health partnership program upon the expiration of the 1949  
certification or recertification as set forth in division (B)(1) 1950



or (2) of this section. 1951

(H) The administrator shall establish and operate a bureau of 1952  
workers' compensation health care data program. The administrator 1953  
shall develop reporting requirements from all employees, employers 1954  
and medical providers, medical vendors, and plans that participate 1955  
in the workers' compensation system. The administrator shall do 1956  
all of the following: 1957

(1) Utilize the collected data to measure and perform 1958  
comparison analyses of costs, quality, appropriateness of medical 1959  
care, and effectiveness of medical care delivered by all 1960  
components of the workers' compensation system. 1961

(2) Compile data to support activities of the selected vendor 1962  
or vendors and to measure the outcomes and savings of the health 1963  
partnership program. 1964

(3) Publish and report compiled data ~~to the governor, the~~ 1965  
~~speaker of the house of representatives, and the president of the~~ 1966  
~~senate on the first day of each January and July, on~~ the measures 1967  
of outcomes and savings of the health partnership program and 1968  
submit the report to the president of the senate, the speaker of 1969  
the house of representatives, the governor, and the workers' 1970  
compensation council with the annual report prepared under 1971  
division (F)(3) of section 4121.12 of the Revised Code. The 1972  
administrator shall protect the confidentiality of all proprietary 1973  
pricing data. 1974

(I) Any rehabilitation facility the bureau operates is 1975  
eligible for inclusion in the Ohio workers' compensation qualified 1976  
health plan system or the health partnership program under the 1977  
same terms as other providers within health care plans or the 1978  
program. 1979

(J) In areas outside the state or within the state where no 1980  
qualified health plan or an inadequate number of providers within 1981

the health partnership program exist, the administrator shall 1982  
permit employees to use a nonplan or nonprogram health care 1983  
provider and shall pay the provider for the services or supplies 1984  
provided to or on behalf of an employee for an injury or 1985  
occupational disease that is compensable under this chapter or 1986  
Chapter 4123., 4127., or 4131. of the Revised Code on a fee 1987  
schedule the administrator adopts. 1988

(K) No health care provider, whether certified or not, shall 1989  
charge, assess, or otherwise attempt to collect from an employee, 1990  
employer, a managed care organization, or the bureau any amount 1991  
for covered services or supplies that is in excess of the allowed 1992  
amount paid by a managed care organization, the bureau, or a 1993  
qualified health plan. 1994

(L) The administrator shall permit any employer or group of 1995  
employers who agree to abide by the rules adopted under this 1996  
section and sections 4121.441 and 4121.442 of the Revised Code to 1997  
provide services or supplies to or on behalf of an employee for an 1998  
injury or occupational disease that is compensable under this 1999  
chapter or Chapter 4123., 4127., or 4131. of the Revised Code 2000  
through qualified health plans of the Ohio workers' compensation 2001  
qualified health plan system pursuant to section 4121.442 of the 2002  
Revised Code or through the health partnership program pursuant to 2003  
section 4121.441 of the Revised Code. No amount paid under the 2004  
qualified health plan system pursuant to section 4121.442 of the 2005  
Revised Code by an employer who is a state fund employer shall be 2006  
charged to the employer's experience or otherwise be used in 2007  
merit-rating or determining the risk of that employer for the 2008  
purpose of the payment of premiums under this chapter, and if the 2009  
employer is a self-insuring employer, the employer shall not 2010  
include that amount in the paid compensation the employer reports 2011  
under section 4123.35 of the Revised Code. 2012

**Sec. 4121.68.** In the event a claimant sustains an injury or occupational disease or dies as a result of any injury or disease received in the course of and arising out of ~~his~~ the claimant's participation in a rehabilitation program, the claimant or, in the case of death, a dependent of the claimant, may file a claim for compensation and benefits ~~as if the claimant's employer were the bureau of workers' compensation.~~ All compensation and benefit awards made as a result of the injury, disease, or death shall be charged to the surplus fund account, created pursuant to section 4123.34 of the Revised Code, and not charged through the state insurance fund to the employer against which the claim was allowed so long as the employer pays assessments into the surplus fund account for the payment of such compensation and benefits.

**Sec. 4123.35.** (A) Except as provided in this section, every employer mentioned in division (B)(2) of section 4123.01 of the Revised Code, and every publicly owned utility shall pay semiannually in the months of January and July into the state insurance fund the amount of annual premium the administrator of workers' compensation fixes for the employment or occupation of the employer, the amount of which premium to be paid by each employer to be determined by the classifications, rules, and rates made and published by the administrator. The employer shall pay semiannually a further sum of money into the state insurance fund as may be ascertained to be due from the employer by applying the rules of the administrator, and a receipt or certificate certifying that payment has been made, along with a written notice as is required in section 4123.54 of the Revised Code, shall be mailed immediately to the employer by the bureau of workers' compensation. The receipt or certificate is prima-facie evidence of the payment of the premium, and the proper posting of the notice constitutes the employer's compliance with the notice

requirement mandated in section 4123.54 of the Revised Code. 2044

The bureau of workers' compensation shall verify with the 2045  
secretary of state the existence of all corporations and 2046  
organizations making application for workers' compensation 2047  
coverage and shall require every such application to include the 2048  
employer's federal identification number. 2049

An employer as defined in division (B)(2) of section 4123.01 2050  
of the Revised Code who has contracted with a subcontractor is 2051  
liable for the unpaid premium due from any subcontractor with 2052  
respect to that part of the payroll of the subcontractor that is 2053  
for work performed pursuant to the contract with the employer. 2054

Division (A) of this section providing for the payment of 2055  
premiums semiannually does not apply to any employer who was a 2056  
subscriber to the state insurance fund prior to January 1, 1914, 2057  
or who may first become a subscriber to the fund in any month 2058  
other than January or July. Instead, the semiannual premiums shall 2059  
be paid by those employers from time to time upon the expiration 2060  
of the respective periods for which payments into the fund have 2061  
been made by them. 2062

The administrator shall adopt rules to permit employers to 2063  
make periodic payments of the semiannual premium due under this 2064  
division. The rules shall include provisions for the assessment of 2065  
interest charges, where appropriate, and for the assessment of 2066  
penalties when an employer fails to make timely premium payments. 2067  
An employer who timely pays the amounts due under this division is 2068  
entitled to all of the benefits and protections of this chapter. 2069  
Upon receipt of payment, the bureau immediately shall mail a 2070  
receipt or certificate to the employer certifying that payment has 2071  
been made, which receipt is prima-facie evidence of payment. 2072  
Workers' compensation coverage under this chapter continues 2073  
uninterrupted upon timely receipt of payment under this division. 2074

Every public employer, except public employers that are 2075  
self-insuring employers under this section, shall comply with 2076  
sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 2077  
regard to the contribution of moneys to the public insurance fund. 2078

(B) Employers who will abide by the rules of the 2079  
administrator and who may be of sufficient financial ability to 2080  
render certain the payment of compensation to injured employees or 2081  
the dependents of killed employees, and the furnishing of medical, 2082  
surgical, nursing, and hospital attention and services and 2083  
medicines, and funeral expenses, equal to or greater than is 2084  
provided for in sections 4123.52, 4123.55 to 4123.62, and 4123.64 2085  
to 4123.67 of the Revised Code, and who do not desire to insure 2086  
the payment thereof or indemnify themselves against loss sustained 2087  
by the direct payment thereof, upon a finding of such facts by the 2088  
administrator, may be granted the privilege to pay individually 2089  
compensation, and furnish medical, surgical, nursing, and hospital 2090  
services and attention and funeral expenses directly to injured 2091  
employees or the dependents of killed employees, thereby being 2092  
granted status as a self-insuring employer. The administrator may 2093  
charge employers who apply for the status as a self-insuring 2094  
employer a reasonable application fee to cover the bureau's costs 2095  
in connection with processing and making a determination with 2096  
respect to an application. 2097

All employers granted status as self-insuring employers shall 2098  
demonstrate sufficient financial and administrative ability to 2099  
assure that all obligations under this section are promptly met. 2100  
The administrator shall deny the privilege where the employer is 2101  
unable to demonstrate the employer's ability to promptly meet all 2102  
the obligations imposed on the employer by this section. 2103

(1) The administrator shall consider, but is not limited to, 2104  
the following factors, where applicable, in determining the 2105  
employer's ability to meet all of the obligations imposed on the 2106

employer by this section: 2107

(a) The employer employs a minimum of five hundred employees 2108  
in this state; 2109

(b) The employer has operated in this state for a minimum of 2110  
two years, provided that an employer who has purchased, acquired, 2111  
or otherwise succeeded to the operation of a business, or any part 2112  
thereof, situated in this state that has operated for at least two 2113  
years in this state, also shall qualify; 2114

(c) Where the employer previously contributed to the state 2115  
insurance fund or is a successor employer as defined by bureau 2116  
rules, the amount of the buyout, as defined by bureau rules; 2117

(d) The sufficiency of the employer's assets located in this 2118  
state to insure the employer's solvency in paying compensation 2119  
directly; 2120

(e) The financial records, documents, and data, certified by 2121  
a certified public accountant, necessary to provide the employer's 2122  
full financial disclosure. The records, documents, and data 2123  
include, but are not limited to, balance sheets and profit and 2124  
loss history for the current year and previous four years. 2125

(f) The employer's organizational plan for the administration 2126  
of the workers' compensation law; 2127

(g) The employer's proposed plan to inform employees of the 2128  
change from a state fund insurer to a self-insuring employer, the 2129  
procedures the employer will follow as a self-insuring employer, 2130  
and the employees' rights to compensation and benefits; and 2131

(h) The employer has either an account in a financial 2132  
institution in this state, or if the employer maintains an account 2133  
with a financial institution outside this state, ensures that 2134  
workers' compensation checks are drawn from the same account as 2135  
payroll checks or the employer clearly indicates that payment will 2136

be honored by a financial institution in this state. 2137

The administrator may waive the requirements of divisions 2138  
(B)(1)(a) and (b) of this section and the requirement of division 2139  
(B)(1)(e) of this section that the financial records, documents, 2140  
and data be certified by a certified public accountant. The 2141  
administrator shall adopt rules establishing the criteria that an 2142  
employer shall meet in order for the administrator to waive the 2143  
requirement of division (B)(1)(e) of this section. Such rules may 2144  
require additional security of that employer pursuant to division 2145  
(E) of section 4123.351 of the Revised Code. 2146

The administrator shall not grant the status of self-insuring 2147  
employer to the state, except that the administrator may grant the 2148  
status of self-insuring employer to a state institution of higher 2149  
education, excluding its hospitals, that meets the requirements of 2150  
division (B)(2) of this section. 2151

(2) When considering the application of a public employer, 2152  
except for a board of county commissioners described in division 2153  
(G) of section 4123.01 of the Revised Code, a board of a county 2154  
hospital, or a publicly owned utility, the administrator shall 2155  
verify that the public employer satisfies all of the following 2156  
requirements as the requirements apply to that public employer: 2157

(a) For the two-year period preceding application under this 2158  
section, the public employer has maintained an unvoted debt 2159  
capacity equal to at least two times the amount of the current 2160  
annual premium established by the administrator under this chapter 2161  
for that public employer for the year immediately preceding the 2162  
year in which the public employer makes application under this 2163  
section. 2164

(b) For each of the two fiscal years preceding application 2165  
under this section, the unreserved and undesignated year-end fund 2166  
balance in the public employer's general fund is equal to at least 2167

five per cent of the public employer's general fund revenues for 2168  
the fiscal year computed in accordance with generally accepted 2169  
accounting principles. 2170

(c) For the five-year period preceding application under this 2171  
section, the public employer, to the extent applicable, has 2172  
complied fully with the continuing disclosure requirements 2173  
established in rules adopted by the United States securities and 2174  
exchange commission under 17 C.F.R. 240.15c 2-12. 2175

(d) For the five-year period preceding application under this 2176  
section, the public employer has not had its local government fund 2177  
distribution withheld on account of the public employer being 2178  
indebted or otherwise obligated to the state. 2179

(e) For the five-year period preceding application under this 2180  
section, the public employer has not been under a fiscal watch or 2181  
fiscal emergency pursuant to section 118.023, 118.04, or 3316.03 2182  
of the Revised Code. 2183

(f) For the public employer's fiscal year preceding 2184  
application under this section, the public employer has obtained 2185  
an annual financial audit as required under section 117.10 of the 2186  
Revised Code, which has been released by the auditor of state 2187  
within seven months after the end of the public employer's fiscal 2188  
year. 2189

(g) On the date of application, the public employer holds a 2190  
debt rating of Aa3 or higher according to Moody's investors 2191  
service, inc., or a comparable rating by an independent rating 2192  
agency similar to Moody's investors service, inc. 2193

(h) The public employer agrees to generate an annual 2194  
accumulating book reserve in its financial statements reflecting 2195  
an actuarially generated reserve adequate to pay projected claims 2196  
under this chapter for the applicable period of time, as 2197  
determined by the administrator. 2198



(i) For a public employer that is a hospital, the public  
employer shall submit audited financial statements showing the  
hospital's overall liquidity characteristics, and the  
administrator shall determine, on an individual basis, whether the  
public employer satisfies liquidity standards equivalent to the  
liquidity standards of other public employers.

(j) Any additional criteria that the administrator adopts by  
rule pursuant to division (E) of this section.

~~The administrator shall not approve the application of a  
public employer, except for a board of county commissioners  
described in division (G) of section 4123.01 of the Revised Code,  
a board of a county hospital, or publicly owned utility, who does  
not satisfy all of the requirements listed in division (B)(2) of  
this section.~~ The administrator may adopt rules establishing the  
criteria that a public employer shall satisfy in order for the  
administrator to waive any of the requirements listed in divisions  
(B)(2)(a) to (j) of this section. The rules may require additional  
security from that employer pursuant to division (E) of section  
4123.351 of the Revised Code. The administrator shall not waive  
any of the requirements listed in divisions (B)(2)(a) to (j) of  
this section for a public employer who does not satisfy the  
criteria established in the rules the administrator adopts.

(C) A board of county commissioners described in division (G)  
of section 4123.01 of the Revised Code, as an employer, that will  
abide by the rules of the administrator and that may be of  
sufficient financial ability to render certain the payment of  
compensation to injured employees or the dependents of killed  
employees, and the furnishing of medical, surgical, nursing, and  
hospital attention and services and medicines, and funeral  
expenses, equal to or greater than is provided for in sections  
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised  
Code, and that does not desire to insure the payment thereof or

indemnify itself against loss sustained by the direct payment 2231  
thereof, upon a finding of such facts by the administrator, may be 2232  
granted the privilege to pay individually compensation, and 2233  
furnish medical, surgical, nursing, and hospital services and 2234  
attention and funeral expenses directly to injured employees or 2235  
the dependents of killed employees, thereby being granted status 2236  
as a self-insuring employer. The administrator may charge a board 2237  
of county commissioners described in division (G) of section 2238  
4123.01 of the Revised Code that applies for the status as a 2239  
self-insuring employer a reasonable application fee to cover the 2240  
bureau's costs in connection with processing and making a 2241  
determination with respect to an application. All employers 2242  
granted such status shall demonstrate sufficient financial and 2243  
administrative ability to assure that all obligations under this 2244  
section are promptly met. The administrator shall deny the 2245  
privilege where the employer is unable to demonstrate the 2246  
employer's ability to promptly meet all the obligations imposed on 2247  
the employer by this section. The administrator shall consider, 2248  
but is not limited to, the following factors, where applicable, in 2249  
determining the employer's ability to meet all of the obligations 2250  
imposed on the board as an employer by this section: 2251

(1) The board as an employer employs a minimum of five 2252  
hundred employees in this state; 2253

(2) The board has operated in this state for a minimum of two 2254  
years; 2255

(3) Where the board previously contributed to the state 2256  
insurance fund or is a successor employer as defined by bureau 2257  
rules, the amount of the buyout, as defined by bureau rules; 2258

(4) The sufficiency of the board's assets located in this 2259  
state to insure the board's solvency in paying compensation 2260  
directly; 2261

(5) The financial records, documents, and data, certified by 2262  
a certified public accountant, necessary to provide the board's 2263  
full financial disclosure. The records, documents, and data 2264  
include, but are not limited to, balance sheets and profit and 2265  
loss history for the current year and previous four years. 2266

(6) The board's organizational plan for the administration of 2267  
the workers' compensation law; 2268

(7) The board's proposed plan to inform employees of the 2269  
proposed self-insurance, the procedures the board will follow as a 2270  
self-insuring employer, and the employees' rights to compensation 2271  
and benefits; 2272

(8) The board has either an account in a financial 2273  
institution in this state, or if the board maintains an account 2274  
with a financial institution outside this state, ensures that 2275  
workers' compensation checks are drawn from the same account as 2276  
payroll checks or the board clearly indicates that payment will be 2277  
honored by a financial institution in this state; 2278

(9) The board shall provide the administrator a surety bond 2279  
in an amount equal to one hundred twenty-five per cent of the 2280  
projected losses as determined by the administrator. 2281

(D) The administrator shall require a surety bond from all 2282  
self-insuring employers, issued pursuant to section 4123.351 of 2283  
the Revised Code, that is sufficient to compel, or secure to 2284  
injured employees, or to the dependents of employees killed, the 2285  
payment of compensation and expenses, which shall in no event be 2286  
less than that paid or furnished out of the state insurance fund 2287  
in similar cases to injured employees or to dependents of killed 2288  
employees whose employers contribute to the fund, except when an 2289  
employee of the employer, who has suffered the loss of a hand, 2290  
arm, foot, leg, or eye prior to the injury for which compensation 2291  
is to be paid, and thereafter suffers the loss of any other of the 2292

members as the result of any injury sustained in the course of and 2293  
arising out of the employee's employment, the compensation to be 2294  
paid by the self-insuring employer is limited to the disability 2295  
suffered in the subsequent injury, additional compensation, if 2296  
any, to be paid by the bureau out of the surplus created by 2297  
section 4123.34 of the Revised Code. 2298

(E) In addition to the requirements of this section, the 2299  
administrator shall make and publish rules governing the manner of 2300  
making application and the nature and extent of the proof required 2301  
to justify a finding of fact by the administrator as to granting 2302  
the status of a self-insuring employer, which rules shall be 2303  
general in their application, one of which rules shall provide 2304  
that all self-insuring employers shall pay into the state 2305  
insurance fund such amounts as are required to be credited to the 2306  
surplus fund in division (B) of section 4123.34 of the Revised 2307  
Code. The administrator may adopt rules establishing requirements 2308  
in addition to the requirements described in division (B)(2) of 2309  
this section that a public employer shall meet in order to qualify 2310  
for self-insuring status. 2311

Employers shall secure directly from the bureau central 2312  
offices application forms upon which the bureau shall stamp a 2313  
designating number. Prior to submission of an application, an 2314  
employer shall make available to the bureau, and the bureau shall 2315  
review, the information described in division (B)(1) of this 2316  
section, and public employers shall make available, and the bureau 2317  
shall review, the information necessary to verify whether the 2318  
public employer meets the requirements listed in division (B)(2) 2319  
of this section. An employer shall file the completed application 2320  
forms with an application fee, which shall cover the costs of 2321  
processing the application, as established by the administrator, 2322  
by rule, with the bureau at least ninety days prior to the 2323  
effective date of the employer's new status as a self-insuring 2324

employer. The application form is not deemed complete until all 2325  
the required information is attached thereto. The bureau shall 2326  
only accept applications that contain the required information. 2327

(F) The bureau shall review completed applications within a 2328  
reasonable time. If the bureau determines to grant an employer the 2329  
status as a self-insuring employer, the bureau shall issue a 2330  
statement, containing its findings of fact, that is prepared by 2331  
the bureau and signed by the administrator. If the bureau 2332  
determines not to grant the status as a self-insuring employer, 2333  
the bureau shall notify the employer of the determination and 2334  
require the employer to continue to pay its full premium into the 2335  
state insurance fund. The administrator also shall adopt rules 2336  
establishing a minimum level of performance as a criterion for 2337  
granting and maintaining the status as a self-insuring employer 2338  
and fixing time limits beyond which failure of the self-insuring 2339  
employer to provide for the necessary medical examinations and 2340  
evaluations may not delay a decision on a claim. 2341

(G) The administrator shall adopt rules setting forth 2342  
procedures for auditing the program of self-insuring employers. 2343  
The bureau shall conduct the audit upon a random basis or whenever 2344  
the bureau has grounds for believing that a self-insuring employer 2345  
is not in full compliance with bureau rules or this chapter. 2346

The administrator shall monitor the programs conducted by 2347  
self-insuring employers, to ensure compliance with bureau 2348  
requirements and for that purpose, shall develop and issue to 2349  
self-insuring employers standardized forms for use by the 2350  
self-insuring employer in all aspects of the self-insuring 2351  
employers' direct compensation program and for reporting of 2352  
information to the bureau. 2353

The bureau shall receive and transmit to the self-insuring 2354  
employer all complaints concerning any self-insuring employer. In 2355  
the case of a complaint against a self-insuring employer, the 2356

administrator shall handle the complaint through the 2357  
self-insurance division of the bureau. The bureau shall maintain a 2358  
file by employer of all complaints received that relate to the 2359  
employer. The bureau shall evaluate each complaint and take 2360  
appropriate action. 2361

The administrator shall adopt as a rule a prohibition against 2362  
any self-insuring employer from harassing, dismissing, or 2363  
otherwise disciplining any employee making a complaint, which rule 2364  
shall provide for a financial penalty to be levied by the 2365  
administrator payable by the offending self-insuring employer. 2366

(H) For the purpose of making determinations as to whether to 2367  
grant status as a self-insuring employer, the administrator may 2368  
subscribe to and pay for a credit reporting service that offers 2369  
financial and other business information about individual 2370  
employers. The costs in connection with the bureau's subscription 2371  
or individual reports from the service about an applicant may be 2372  
included in the application fee charged employers under this 2373  
section. 2374

(I) The administrator, notwithstanding other provisions of 2375  
this chapter, may permit a self-insuring employer to resume 2376  
payment of premiums to the state insurance fund with appropriate 2377  
credit modifications to the employer's basic premium rate as such 2378  
rate is determined pursuant to section 4123.29 of the Revised 2379  
Code. 2380

(J) On the first day of July of each year, the administrator 2381  
shall calculate separately each self-insuring employer's 2382  
assessments for the safety and hygiene fund, administrative costs 2383  
pursuant to section 4123.342 of the Revised Code, and for the 2384  
portion of the surplus fund under division (B) of section 4123.34 2385  
of the Revised Code that is not used for handicapped 2386  
reimbursement, on the basis of the paid compensation attributable 2387  
to the individual self-insuring employer according to the 2388

following calculation: 2389

(1) The total assessment against all self-insuring employers 2390  
as a class for each fund and for the administrative costs for the 2391  
year that the assessment is being made, as determined by the 2392  
administrator, divided by the total amount of paid compensation 2393  
for the previous calendar year attributable to all amenable 2394  
self-insuring employers; 2395

(2) Multiply the quotient in division (J)(1) of this section 2396  
by the total amount of paid compensation for the previous calendar 2397  
year that is attributable to the individual self-insuring employer 2398  
for whom the assessment is being determined. Each self-insuring 2399  
employer shall pay the assessment that results from this 2400  
calculation, unless the assessment resulting from this calculation 2401  
falls below a minimum assessment, which minimum assessment the 2402  
administrator shall determine on the first day of July of each 2403  
year with the advice and consent of the bureau of workers' 2404  
compensation board of directors, in which event, the self-insuring 2405  
employer shall pay the minimum assessment. 2406

In determining the total amount due for the total assessment 2407  
against all self-insuring employers as a class for each fund and 2408  
the administrative assessment, the administrator shall reduce 2409  
proportionately the total for each fund and assessment by the 2410  
amount of money in the self-insurance assessment fund as of the 2411  
date of the computation of the assessment. 2412

The administrator shall calculate the assessment for the 2413  
portion of the surplus fund under division (B) of section 4123.34 2414  
of the Revised Code that is used for handicapped reimbursement in 2415  
the same manner as set forth in divisions (J)(1) and (2) of this 2416  
section except that the administrator shall calculate the total 2417  
assessment for this portion of the surplus fund only on the basis 2418  
of those self-insuring employers that retain participation in the 2419  
handicapped reimbursement program and the individual self-insuring 2420

employer's proportion of paid compensation shall be calculated 2421  
only for those self-insuring employers who retain participation in 2422  
the handicapped reimbursement program. The administrator, as the 2423  
administrator determines appropriate, may determine the total 2424  
assessment for the handicapped portion of the surplus fund in 2425  
accordance with sound actuarial principles. 2426

The administrator shall calculate the assessment for the 2427  
portion of the surplus fund under division (B) of section 4123.34 2428  
of the Revised Code that under division (D) of section 4121.66 of 2429  
the Revised Code is used for rehabilitation costs in the same 2430  
manner as set forth in divisions (J)(1) and (2) of this section, 2431  
except that the administrator shall calculate the total assessment 2432  
for this portion of the surplus fund only on the basis of those 2433  
self-insuring employers who have not made the election to make 2434  
payments directly under division (D) of section 4121.66 of the 2435  
Revised Code and an individual self-insuring employer's proportion 2436  
of paid compensation only for those self-insuring employers who 2437  
have not made that election. 2438

The administrator shall calculate the assessment for the 2439  
portion of the surplus fund under division (B) of section 4123.34 2440  
of the Revised Code that is used for reimbursement to a 2441  
self-insuring employer under division (H) of section 4123.512 of 2442  
the Revised Code in the same manner as set forth in divisions 2443  
(J)(1) and (2) of this section except that the administrator shall 2444  
calculate the total assessment for this portion of the surplus 2445  
fund only on the basis of those self-insuring employers that 2446  
retain participation in reimbursement to the self-insuring 2447  
employer under division (H) of section 4123.512 of the Revised 2448  
Code and the individual self-insuring employer's proportion of 2449  
paid compensation shall be calculated only for those self-insuring 2450  
employers who retain participation in reimbursement to the 2451  
self-insuring employer under division (H) of section 4123.512 of 2452



the Revised Code. 2453

An employer who no longer is a self-insuring employer in this 2454  
state or who no longer is operating in this state, shall continue 2455  
to pay assessments for administrative costs and for the portion of 2456  
the surplus fund under division (B) of section 4123.34 of the 2457  
Revised Code that is not used for handicapped reimbursement, based 2458  
upon paid compensation attributable to claims that occurred while 2459  
the employer was a self-insuring employer within this state. 2460

(K) The administrator shall deposit any moneys received from 2461  
a self-insuring employer for the self-insuring employer's 2462  
assessment to pay the costs solely attributable to the workers' 2463  
compensation council into the administrative assessment account 2464  
described in division (B) of section 4123.342 of the Revised Code 2465  
for the administrative cost assessment collected by the 2466  
administrator for the council. There is hereby created in the 2467  
state treasury the self-insurance assessment fund. All investment 2468  
earnings of the fund shall be deposited in the fund. The 2469  
administrator shall use the money in the self-insurance assessment 2470  
fund only for administrative costs as specified in section 2471  
4123.341 of the Revised Code. 2472

(L) Every self-insuring employer shall certify, in affidavit 2473  
form subject to the penalty for perjury, to the bureau the amount 2474  
of the self-insuring employer's paid compensation for the previous 2475  
calendar year. In reporting paid compensation paid for the 2476  
previous year, a self-insuring employer shall exclude from the 2477  
total amount of paid compensation any reimbursement the 2478  
self-insuring employer receives in the previous calendar year from 2479  
the surplus fund pursuant to section 4123.512 of the Revised Code 2480  
for any paid compensation. The self-insuring employer also shall 2481  
exclude from the paid compensation reported any amount recovered 2482  
under section 4123.931 of the Revised Code and any amount that is 2483  
determined not to have been payable to or on behalf of a claimant 2484

in any final administrative or judicial proceeding. The 2485  
self-insuring employer shall exclude such amounts from the paid 2486  
compensation reported in the reporting period subsequent to the 2487  
date the determination is made. The administrator shall adopt 2488  
rules, in accordance with Chapter 119. of the Revised Code, that 2489  
provide for all of the following: 2490

(1) Establishing the date by which self-insuring employers 2491  
must submit such information and the amount of the assessments 2492  
provided for in division (J) of this section for employers who 2493  
have been granted self-insuring status within the last calendar 2494  
year; 2495

(2) If an employer fails to pay the assessment when due, the 2496  
administrator may add a late fee penalty of not more than five 2497  
hundred dollars to the assessment plus an additional penalty 2498  
amount as follows: 2499

(a) For an assessment from sixty-one to ninety days past due, 2500  
the prime interest rate, multiplied by the assessment due; 2501

(b) For an assessment from ninety-one to one hundred twenty 2502  
days past due, the prime interest rate plus two per cent, 2503  
multiplied by the assessment due; 2504

(c) For an assessment from one hundred twenty-one to one 2505  
hundred fifty days past due, the prime interest rate plus four per 2506  
cent, multiplied by the assessment due; 2507

(d) For an assessment from one hundred fifty-one to one 2508  
hundred eighty days past due, the prime interest rate plus six per 2509  
cent, multiplied by the assessment due; 2510

(e) For an assessment from one hundred eighty-one to two 2511  
hundred ten days past due, the prime interest rate plus eight per 2512  
cent, multiplied by the assessment due; 2513

(f) For each additional thirty-day period or portion thereof 2514

that an assessment remains past due after it has remained past due 2515  
for more than two hundred ten days, the prime interest rate plus 2516  
eight per cent, multiplied by the assessment due. 2517

(3) An employer may appeal a late fee penalty and penalty 2518  
assessment to the administrator. 2519

For purposes of division (L)(2) of this section, "prime 2520  
interest rate" means the average bank prime rate, and the 2521  
administrator shall determine the prime interest rate in the same 2522  
manner as a county auditor determines the average bank prime rate 2523  
under section 929.02 of the Revised Code. 2524

The administrator shall include any assessment and penalties 2525  
that remain unpaid for previous assessment periods in the 2526  
calculation and collection of any assessments due under this 2527  
division or division (J) of this section. 2528

(M) As used in this section, "paid compensation" means all 2529  
amounts paid by a self-insuring employer for living maintenance 2530  
benefits, all amounts for compensation paid pursuant to sections 2531  
4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, and 2532  
4123.64 of the Revised Code, all amounts paid as wages in lieu of 2533  
such compensation, all amounts paid in lieu of such compensation 2534  
under a nonoccupational accident and sickness program fully funded 2535  
by the self-insuring employer, and all amounts paid by a 2536  
self-insuring employer for a violation of a specific safety 2537  
standard pursuant to Section 35 of Article II, Ohio Constitution 2538  
and section 4121.47 of the Revised Code. 2539

(N) Should any section of this chapter or Chapter 4121. of 2540  
the Revised Code providing for self-insuring employers' 2541  
assessments based upon compensation paid be declared 2542  
unconstitutional by a final decision of any court, then that 2543  
section of the Revised Code declared unconstitutional shall revert 2544  
back to the section in existence prior to November 3, 1989, 2545

providing for assessments based upon payroll. 2546

(O) The administrator may grant a self-insuring employer the 2547  
privilege to self-insure a construction project entered into by 2548  
the self-insuring employer that is scheduled for completion within 2549  
six years after the date the project begins, and the total cost of 2550  
which is estimated to exceed one hundred million dollars or, for 2551  
employers described in division (R) of this section, if the 2552  
construction project is estimated to exceed twenty-five million 2553  
dollars. The administrator may waive such cost and time criteria 2554  
and grant a self-insuring employer the privilege to self-insure a 2555  
construction project regardless of the time needed to complete the 2556  
construction project and provided that the cost of the 2557  
construction project is estimated to exceed fifty million dollars. 2558  
A self-insuring employer who desires to self-insure a construction 2559  
project shall submit to the administrator an application listing 2560  
the dates the construction project is scheduled to begin and end, 2561  
the estimated cost of the construction project, the contractors 2562  
and subcontractors whose employees are to be self-insured by the 2563  
self-insuring employer, the provisions of a safety program that is 2564  
specifically designed for the construction project, and a 2565  
statement as to whether a collective bargaining agreement 2566  
governing the rights, duties, and obligations of each of the 2567  
parties to the agreement with respect to the construction project 2568  
exists between the self-insuring employer and a labor 2569  
organization. 2570

A self-insuring employer may apply to self-insure the 2571  
employees of either of the following: 2572

(1) All contractors and subcontractors who perform labor or 2573  
work or provide materials for the construction project; 2574

(2) All contractors and, at the administrator's discretion, a 2575  
substantial number of all the subcontractors who perform labor or 2576  
work or provide materials for the construction project. 2577

Upon approval of the application, the administrator shall 2578  
mail a certificate granting the privilege to self-insure the 2579  
construction project to the self-insuring employer. The 2580  
certificate shall contain the name of the self-insuring employer 2581  
and the name, address, and telephone number of the self-insuring 2582  
employer's representatives who are responsible for administering 2583  
workers' compensation claims for the construction project. The 2584  
self-insuring employer shall post the certificate in a conspicuous 2585  
place at the site of the construction project. 2586

The administrator shall maintain a record of the contractors 2587  
and subcontractors whose employees are covered under the 2588  
certificate issued to the self-insured employer. A self-insuring 2589  
employer immediately shall notify the administrator when any 2590  
contractor or subcontractor is added or eliminated from inclusion 2591  
under the certificate. 2592

Upon approval of the application, the self-insuring employer 2593  
is responsible for the administration and payment of all claims 2594  
under this chapter and Chapter 4121. of the Revised Code for the 2595  
employees of the contractor and subcontractors covered under the 2596  
certificate who receive injuries or are killed in the course of 2597  
and arising out of employment on the construction project, or who 2598  
contract an occupational disease in the course of employment on 2599  
the construction project. For purposes of this chapter and Chapter 2600  
4121. of the Revised Code, a claim that is administered and paid 2601  
in accordance with this division is considered a claim against the 2602  
self-insuring employer listed in the certificate. A contractor or 2603  
subcontractor included under the certificate shall report to the 2604  
self-insuring employer listed in the certificate, all claims that 2605  
arise under this chapter and Chapter 4121. of the Revised Code in 2606  
connection with the construction project for which the certificate 2607  
is issued. 2608

A self-insuring employer who complies with this division is 2609

entitled to the protections provided under this chapter and 2610  
Chapter 4121. of the Revised Code with respect to the employees of 2611  
the contractors and subcontractors covered under a certificate 2612  
issued under this division for death or injuries that arise out 2613  
of, or death, injuries, or occupational diseases that arise in the 2614  
course of, those employees' employment on that construction 2615  
project, as if the employees were employees of the self-insuring 2616  
employer, provided that the self-insuring employer also complies 2617  
with this section. No employee of the contractors and 2618  
subcontractors covered under a certificate issued under this 2619  
division shall be considered the employee of the self-insuring 2620  
employer listed in that certificate for any purposes other than 2621  
this chapter and Chapter 4121. of the Revised Code. Nothing in 2622  
this division gives a self-insuring employer authority to control 2623  
the means, manner, or method of employment of the employees of the 2624  
contractors and subcontractors covered under a certificate issued 2625  
under this division. 2626

The contractors and subcontractors included under a 2627  
certificate issued under this division are entitled to the 2628  
protections provided under this chapter and Chapter 4121. of the 2629  
Revised Code with respect to the contractor's or subcontractor's 2630  
employees who are employed on the construction project which is 2631  
the subject of the certificate, for death or injuries that arise 2632  
out of, or death, injuries, or occupational diseases that arise in 2633  
the course of, those employees' employment on that construction 2634  
project. 2635

The contractors and subcontractors included under a 2636  
certificate issued under this division shall identify in their 2637  
payroll records the employees who are considered the employees of 2638  
the self-insuring employer listed in that certificate for purposes 2639  
of this chapter and Chapter 4121. of the Revised Code, and the 2640  
amount that those employees earned for employment on the 2641

construction project that is the subject of that certificate. 2642  
Notwithstanding any provision to the contrary under this chapter 2643  
and Chapter 4121. of the Revised Code, the administrator shall 2644  
exclude the payroll that is reported for employees who are 2645  
considered the employees of the self-insuring employer listed in 2646  
that certificate, and that the employees earned for employment on 2647  
the construction project that is the subject of that certificate, 2648  
when determining those contractors' or subcontractors' premiums or 2649  
assessments required under this chapter and Chapter 4121. of the 2650  
Revised Code. A self-insuring employer issued a certificate under 2651  
this division shall include in the amount of paid compensation it 2652  
reports pursuant to division (L) of this section, the amount of 2653  
paid compensation the self-insuring employer paid pursuant to this 2654  
division for the previous calendar year. 2655

Nothing in this division shall be construed as altering the 2656  
rights of employees under this chapter and Chapter 4121. of the 2657  
Revised Code as those rights existed prior to September 17, 1996. 2658  
Nothing in this division shall be construed as altering the rights 2659  
devolved under sections 2305.31 and 4123.82 of the Revised Code as 2660  
those rights existed prior to September 17, 1996. 2661

As used in this division, "privilege to self-insure a 2662  
construction project" means privilege to pay individually 2663  
compensation, and to furnish medical, surgical, nursing, and 2664  
hospital services and attention and funeral expenses directly to 2665  
injured employees or the dependents of killed employees. 2666

(P) A self-insuring employer whose application is granted 2667  
under division (O) of this section shall designate a safety 2668  
professional to be responsible for the administration and 2669  
enforcement of the safety program that is specifically designed 2670  
for the construction project that is the subject of the 2671  
application. 2672

A self-insuring employer whose application is granted under 2673

division (O) of this section shall employ an ombudsperson for the 2674  
construction project that is the subject of the application. The 2675  
ombudsperson shall have experience in workers' compensation or the 2676  
construction industry, or both. The ombudsperson shall perform all 2677  
of the following duties: 2678

(1) Communicate with and provide information to employees who 2679  
are injured in the course of, or whose injury arises out of 2680  
employment on the construction project, or who contract an 2681  
occupational disease in the course of employment on the 2682  
construction project; 2683

(2) Investigate the status of a claim upon the request of an 2684  
employee to do so; 2685

(3) Provide information to claimants, third party 2686  
administrators, employers, and other persons to assist those 2687  
persons in protecting their rights under this chapter and Chapter 2688  
4121. of the Revised Code. 2689

A self-insuring employer whose application is granted under 2690  
division (O) of this section shall post the name of the safety 2691  
professional and the ombudsperson and instructions for contacting 2692  
the safety professional and the ombudsperson in a conspicuous 2693  
place at the site of the construction project. 2694

(Q) The administrator may consider all of the following when 2695  
deciding whether to grant a self-insuring employer the privilege 2696  
to self-insure a construction project as provided under division 2697  
(O) of this section: 2698

(1) Whether the self-insuring employer has an organizational 2699  
plan for the administration of the workers' compensation law; 2700

(2) Whether the safety program that is specifically designed 2701  
for the construction project provides for the safety of employees 2702  
employed on the construction project, is applicable to all 2703  
contractors and subcontractors who perform labor or work or 2704



provide materials for the construction project, and has as a 2705  
component, a safety training program that complies with standards 2706  
adopted pursuant to the "Occupational Safety and Health Act of 2707  
1970," 84 Stat. 1590, 29 U.S.C.A. 651, and provides for continuing 2708  
management and employee involvement; 2709

(3) Whether granting the privilege to self-insure the 2710  
construction project will reduce the costs of the construction 2711  
project; 2712

(4) Whether the self-insuring employer has employed an 2713  
ombudsperson as required under division (P) of this section; 2714

(5) Whether the self-insuring employer has sufficient surety 2715  
to secure the payment of claims for which the self-insuring 2716  
employer would be responsible pursuant to the granting of the 2717  
privilege to self-insure a construction project under division (O) 2718  
of this section. 2719

(R) As used in divisions (O), (P), and (Q), "self-insuring 2720  
employer" includes the following employers, whether or not they 2721  
have been granted the status of being a self-insuring employer 2722  
under division (B) of this section: 2723

(1) A state institution of higher education; 2724

(2) A school district; 2725

(3) A county school financing district; 2726

(4) An educational service center; 2727

(5) A community school established under Chapter 3314. of the 2728  
Revised Code; 2729

(6) A municipal power agency as defined in section 3734.058 2730  
of the Revised Code. 2731

(S) As used in this section: 2732

(1) "Unvoted debt capacity" means the amount of money that a 2733

public employer may borrow without voter approval of a tax levy; 2734

(2) "State institution of higher education" means the state 2735  
universities listed in section 3345.011 of the Revised Code, 2736  
community colleges created pursuant to Chapter 3354. of the 2737  
Revised Code, university branches created pursuant to Chapter 2738  
3355. of the Revised Code, technical colleges created pursuant to 2739  
Chapter 3357. of the Revised Code, and state community colleges 2740  
created pursuant to Chapter 3358. of the Revised Code. 2741

**Sec. 4123.512.** (A) The claimant or the employer may appeal an 2742  
order of the industrial commission made under division (E) of 2743  
section 4123.511 of the Revised Code in any injury or occupational 2744  
disease case, other than a decision as to the extent of disability 2745  
to the court of common pleas of the county in which the injury was 2746  
inflicted or in which the contract of employment was made if the 2747  
injury occurred outside the state, or in which the contract of 2748  
employment was made if the exposure occurred outside the state. If 2749  
no common pleas court has jurisdiction for the purposes of an 2750  
appeal by the use of the jurisdictional requirements described in 2751  
this division, the appellant may use the venue provisions in the 2752  
Rules of Civil Procedure to vest jurisdiction in a court. If the 2753  
claim is for an occupational disease, the appeal shall be to the 2754  
court of common pleas of the county in which the exposure which 2755  
caused the disease occurred. Like appeal may be taken from an 2756  
order of a staff hearing officer made under division (D) of 2757  
section 4123.511 of the Revised Code from which the commission has 2758  
refused to hear an appeal. The appellant shall file the notice of 2759  
appeal with a court of common pleas within sixty days after the 2760  
date of the receipt of the order appealed from or the date of 2761  
receipt of the order of the commission refusing to hear an appeal 2762  
of a staff hearing officer's decision under division (D) of 2763  
section 4123.511 of the Revised Code. The filing of the notice of 2764  
the appeal with the court is the only act required to perfect the 2765

appeal. 2766

If an action has been commenced in a court of a county other 2767  
than a court of a county having jurisdiction over the action, the 2768  
court, upon notice by any party or upon its own motion, shall 2769  
transfer the action to a court of a county having jurisdiction. 2770

Notwithstanding anything to the contrary in this section, if 2771  
the commission determines under section 4123.522 of the Revised 2772  
Code that an employee, employer, or their respective 2773  
representatives have not received written notice of an order or 2774  
decision which is appealable to a court under this section and 2775  
which grants relief pursuant to section 4123.522 of the Revised 2776  
Code, the party granted the relief has sixty days from receipt of 2777  
the order under section 4123.522 of the Revised Code to file a 2778  
notice of appeal under this section. 2779

(B) The notice of appeal shall state the names of the 2780  
claimant and the employer, the number of the claim, the date of 2781  
the order appealed from, and the fact that the appellant appeals 2782  
therefrom. 2783

The administrator of workers' compensation, the claimant, and 2784  
the employer shall be parties to the appeal and the court, upon 2785  
the application of the commission, shall make the commission a 2786  
party. The party filing the appeal shall serve a copy of the 2787  
notice of appeal on the administrator at the central office of the 2788  
bureau of workers' compensation in Columbus. The administrator 2789  
shall notify the employer that if the employer fails to become an 2790  
active party to the appeal, then the administrator may act on 2791  
behalf of the employer and the results of the appeal could have an 2792  
adverse effect upon the employer's premium rates. 2793

(C) The attorney general or one or more of the attorney 2794  
general's assistants or special counsel designated by the attorney 2795  
general shall represent the administrator and the commission. In 2796

the event the attorney general or the attorney general's 2797  
designated assistants or special counsel are absent, the 2798  
administrator or the commission shall select one or more of the 2799  
attorneys in the employ of the administrator or the commission as 2800  
the administrator's attorney or the commission's attorney in the 2801  
appeal. Any attorney so employed shall continue the representation 2802  
during the entire period of the appeal and in all hearings thereof 2803  
except where the continued representation becomes impractical. 2804

(D) Upon receipt of notice of appeal, the clerk of courts 2805  
shall provide notice to all parties who are appellees and to the 2806  
commission. 2807

The claimant shall, within thirty days after the filing of 2808  
the notice of appeal, file a petition containing a statement of 2809  
facts in ordinary and concise language showing a cause of action 2810  
to participate or to continue to participate in the fund and 2811  
setting forth the basis for the jurisdiction of the court over the 2812  
action. Further pleadings shall be had in accordance with the 2813  
Rules of Civil Procedure, provided that service of summons on such 2814  
petition shall not be required and provided that the claimant may 2815  
not dismiss the complaint without the employer's consent if the 2816  
employer is the party that filed the notice of appeal to court 2817  
pursuant to this section. The clerk of the court shall, upon 2818  
receipt thereof, transmit by certified mail a copy thereof to each 2819  
party named in the notice of appeal other than the claimant. Any 2820  
party may file with the clerk prior to the trial of the action a 2821  
deposition of any physician taken in accordance with the 2822  
provisions of the Revised Code, which deposition may be read in 2823  
the trial of the action even though the physician is a resident of 2824  
or subject to service in the county in which the trial is had. The 2825  
bureau of workers' compensation shall pay the cost of the 2826  
stenographic deposition filed in court and of copies of the 2827  
stenographic deposition for each party from the surplus fund and 2828

charge the costs thereof against the unsuccessful party if the 2829  
claimant's right to participate or continue to participate is 2830  
finally sustained or established in the appeal. In the event the 2831  
deposition is taken and filed, the physician whose deposition is 2832  
taken is not required to respond to any subpoena issued in the 2833  
trial of the action. The court, or the jury under the instructions 2834  
of the court, if a jury is demanded, shall determine the right of 2835  
the claimant to participate or to continue to participate in the 2836  
fund upon the evidence adduced at the hearing of the action. 2837

(E) The court shall certify its decision to the commission 2838  
and the certificate shall be entered in the records of the court. 2839  
Appeals from the judgment are governed by the law applicable to 2840  
the appeal of civil actions. 2841

(F) The cost of any legal proceedings authorized by this 2842  
section, including an attorney's fee to the claimant's attorney to 2843  
be fixed by the trial judge, based upon the effort expended, in 2844  
the event the claimant's right to participate or to continue to 2845  
participate in the fund is established upon the final 2846  
determination of an appeal, shall be taxed against the employer or 2847  
the commission if the commission or the administrator rather than 2848  
the employer contested the right of the claimant to participate in 2849  
the fund. The attorney's fee shall not exceed forty-two hundred 2850  
dollars. 2851

(G) If the finding of the court or the verdict of the jury is 2852  
in favor of the claimant's right to participate in the fund, the 2853  
commission and the administrator shall thereafter proceed in the 2854  
matter of the claim as if the judgment were the decision of the 2855  
commission, subject to the power of modification provided by 2856  
section 4123.52 of the Revised Code. 2857

(H)(1) An appeal from an order issued under division (E) of 2858  
section 4123.511 of the Revised Code or any action filed in court 2859  
in a case in which an award of compensation or medical benefits 2860

has been made shall not stay the payment of compensation or 2861  
medical benefits under the award, or payment for subsequent 2862  
periods of total disability or medical benefits during the 2863  
pendency of the appeal. If, in a final administrative or judicial 2864  
action, it is determined that payments of compensation or 2865  
benefits, or both, made to or on behalf of a claimant should not 2866  
have been made, the amount thereof shall be charged to the surplus 2867  
fund account under division ~~(A)~~(B) of section 4123.34 of the 2868  
Revised Code. In the event the employer is a state risk, the 2869  
amount shall not be charged to the employer's experience, and the 2870  
administrator shall adjust the employer's account accordingly. In 2871  
the event the employer is a self-insuring employer, the 2872  
self-insuring employer shall deduct the amount from the paid 2873  
compensation the self-insuring employer reports to the 2874  
administrator under division (L) of section 4123.35 of the Revised 2875  
Code. 2876

(2)(a) Notwithstanding a final determination that payments of 2877  
benefits made to or on behalf of a claimant should not have been 2878  
made, the administrator or self-insuring employer shall award 2879  
payment of medical or vocational rehabilitation services submitted 2880  
for payment after the date of the final determination if all of 2881  
the following apply: 2882

(i) The services were approved and were rendered by the 2883  
provider in good faith prior to the date of the final 2884  
determination. 2885

(ii) The services were payable under division (I) of section 2886  
4123.511 of the Revised Code prior to the date of the final 2887  
determination. 2888

(iii) The request for payment is submitted within the time 2889  
limit set forth in section 4123.52 of the Revised Code. 2890

(b) Payments made under division (H)(1) of this section shall 2891

be charged to the surplus fund account under division (B) of 2892  
section 4123.34 of the Revised Code. If the employer of the 2893  
employee who is the subject of a claim described in division 2894  
(H)(2)(a) of this section is a state fund employer, the payments 2895  
made under that division shall not be charged to the employer's 2896  
experience. If that employer is a self-insuring employer, the 2897  
self-insuring employer shall deduct the amount from the paid 2898  
compensation the self-insuring employer reports to the 2899  
administrator under division (L) of section 4123.35 of the Revised 2900  
Code. 2901

(c) Division (H)(2) of this section shall apply only to a 2902  
claim under this chapter or Chapter 4121., 4127., or 4131. of the 2903  
Revised Code arising on or after the effective date of this 2904  
amendment. 2905

(3) A self-insuring employer may elect to pay compensation 2906  
and benefits under this section directly to an employee or an 2907  
employee's dependents by filing an application with the bureau of 2908  
workers' compensation not more than one hundred eighty days and 2909  
not less than ninety days before the first day of the employer's 2910  
next six-month coverage period. If the self-insuring employer 2911  
timely files the application, the application is effective on the 2912  
first day of the employer's next six-month coverage period, 2913  
provided that the administrator shall compute the employer's 2914  
assessment for the surplus fund account due with respect to the 2915  
period during which that application was filed without regard to 2916  
the filing of the application. On and after the effective date of 2917  
the employer's election, the self-insuring employer shall pay 2918  
directly to an employee or to an employee's dependents 2919  
compensation and benefits under this section regardless of the 2920  
date of the injury or occupational disease, and the employer shall 2921  
receive no money or credits from the surplus fund account on 2922  
account of those payments and shall not be required to pay any 2923

amounts into the surplus fund account on account of this section. 2924  
The election made under this division is irrevocable. 2925

(I) All actions and proceedings under this section which are 2926  
the subject of an appeal to the court of common pleas or the court 2927  
of appeals shall be preferred over all other civil actions except 2928  
election causes, irrespective of position on the calendar. 2929

This section applies to all decisions of the commission or 2930  
the administrator on November 2, 1959, and all claims filed 2931  
thereafter are governed by sections 4123.511 and 4123.512 of the 2932  
Revised Code. 2933

Any action pending in common pleas court or any other court 2934  
on January 1, 1986, under this section is governed by former 2935  
sections 4123.514, 4123.515, 4123.516, and 4123.519 and section 2936  
4123.522 of the Revised Code. 2937

**Sec. 4123.52.** (A) The jurisdiction of the industrial 2938  
commission and the authority of the administrator of workers' 2939  
compensation over each case is continuing, and the commission may 2940  
make such modification or change with respect to former findings 2941  
or orders with respect thereto, as, in its opinion is justified. 2942  
No modification or change nor any finding or award in respect of 2943  
any claim shall be made with respect to disability, compensation, 2944  
dependency, or benefits, after five years from the date of injury 2945  
in the absence of the payment of medical benefits under this 2946  
chapter or in the absence of payment of compensation under section 2947  
4123.57, 4123.58, or division (A) or (B) of section 4123.56 of the 2948  
Revised Code or wages in lieu of compensation in a manner so as to 2949  
satisfy the requirements of section 4123.84 of the Revised Code, 2950  
in which event the modification, change, finding, or award shall 2951  
be made within five years from the date of the last payment of 2952  
compensation or from the date of death, nor unless written notice 2953  
of claim for the specific part or parts of the body injured or 2954



disabled has been given as provided in section 4123.84 or 4123.85 2955  
of the Revised Code. The commission shall not make any 2956  
modification, change, finding, or award which shall award 2957  
compensation for a back period in excess of two years prior to the 2958  
date of filing application therefor. ~~This~~ 2959

(B) Notwithstanding division (A) of this section, and except 2960  
as otherwise provided in a rule that shall be adopted by the 2961  
administrator, with the advice and consent of the bureau of 2962  
workers' compensation board of directors, neither the 2963  
administrator nor the commission shall make any finding or award 2964  
for payment of medical or vocational rehabilitation services 2965  
submitted for payment more than one year after the date the 2966  
services were rendered or more than one year after the date the 2967  
services became payable under division (I) of section 4123.511 of 2968  
the Revised Code, whichever is later. No medical or vocational 2969  
rehabilitation provider shall bill a claimant for services 2970  
rendered if the administrator or commission is prohibited from 2971  
making that payment under this division. 2972

(C) Division (B) of this section does not apply to requests 2973  
made by the centers for medicare and medicaid services in the 2974  
United States department of health and human services for 2975  
reimbursement of conditional payments made pursuant to section 2976  
1395y(b)(2) of title 42, United States Code (commonly known as the 2977  
"Medicare Secondary Payer Act"). 2978

(D) This section does not affect the right of a claimant to 2979  
compensation accruing subsequent to the filing of any such 2980  
application, provided the application is filed within the time 2981  
limit provided in this section. 2982

(E) This section does not deprive the commission of its 2983  
continuing jurisdiction to determine the questions raised by any 2984  
application for modification of award which has been filed with 2985  
the commission after June 1, 1932, and prior to the expiration of 2986

the applicable period but in respect to which no award has been 2987  
granted or denied during the applicable period. 2988

(F) The commission may, by general rules, provide for the 2989  
destruction of files of cases in which no further action may be 2990  
taken. 2991

(G) The commission and administrator of workers' compensation 2992  
each may, by general rules, provide for the retention and 2993  
destruction of all other records in their possession or under 2994  
their control pursuant to section 121.211 and sections 149.34 to 2995  
149.36 of the Revised Code. The bureau of workers' compensation 2996  
may purchase or rent required equipment for the document retention 2997  
media, as determined necessary to preserve the records. 2998  
Photographs, microphotographs, microfilm, films, or other direct 2999  
document retention media, when properly identified, have the same 3000  
effect as the original record and may be offered in like manner 3001  
and may be received as evidence in proceedings before the 3002  
industrial commission, staff hearing officers, and district 3003  
hearing officers, and in any court where the original record could 3004  
have been introduced. 3005

**Sec. 5505.04.** (A)(1) The general administration and 3006  
management of the state highway patrol retirement system and the 3007  
making effective of this chapter are hereby vested in the state 3008  
highway patrol retirement board. The board may sue and be sued, 3009  
plead and be impleaded, contract and be contracted with, and do 3010  
all things necessary to carry out this chapter. 3011

The board shall consist of the following members: 3012

(a) The superintendent of the state highway patrol; 3013

(b) Two retirant members who reside in this state; 3014

(c) Five employee-members; 3015

(d) One member, known as the treasurer of state's investment 3016

designee, who shall be appointed by the treasurer of state for a 3017  
term of four years and who shall have the following 3018  
qualifications: 3019

(i) The member is a resident of this state. 3020

(ii) Within the three years immediately preceding the 3021  
appointment, the member has not been employed by the public 3022  
employees retirement system, police and fire pension fund, state 3023  
teachers retirement system, school employees retirement system, or 3024  
state highway patrol retirement system or by any person, 3025  
partnership, or corporation that has provided to one of those 3026  
retirement systems services of a financial or investment nature, 3027  
including the management, analysis, supervision, or investment of 3028  
assets. 3029

(iii) The member has direct experience in the management, 3030  
analysis, supervision, or investment of assets. 3031

(iv) The member is not currently employed by the state or a 3032  
political subdivision of the state. 3033

(e) Two investment expert members, who shall be appointed to 3034  
four-year terms. One investment expert member shall be appointed 3035  
by the governor, and one investment expert member shall be jointly 3036  
appointed by the speaker of the house of representatives and the 3037  
president of the senate. Each investment expert member shall have 3038  
the following qualifications: 3039

(i) Each investment expert member shall be a resident of this 3040  
state. 3041

(ii) Within the three years immediately preceding the 3042  
appointment, each investment expert member shall not have been 3043  
employed by the public employees retirement system, police and 3044  
fire pension fund, state teachers retirement system, school 3045  
employees retirement system, or state highway patrol retirement 3046  
system or by any person, partnership, or corporation that has 3047

provided to one of those retirement systems services of a 3048  
financial or investment nature, including the management, 3049  
analysis, supervision, or investment of assets. 3050

(iii) Each investment expert member shall have direct 3051  
experience in the management, analysis, supervision, or investment 3052  
of assets. 3053

(2) The board shall annually elect a chairperson and 3054  
vice-chairperson from among its members. The vice-chairperson 3055  
shall act as chairperson in the absence of the chairperson. A 3056  
majority of the members of the board shall constitute a quorum and 3057  
any action taken shall be approved by a majority of the members of 3058  
the board. The board shall meet not less than once each year, upon 3059  
sufficient notice to the members. All meetings of the board shall 3060  
be open to the public except executive sessions as set forth in 3061  
division (G) of section 121.22 of the Revised Code, and any 3062  
portions of any sessions discussing medical records or the degree 3063  
of disability of a member excluded from public inspection by this 3064  
section. 3065

(3) Any investment expert member appointed to fill a vacancy 3066  
occurring prior to the expiration of the term for which the 3067  
member's predecessor was appointed holds office until the end of 3068  
such term. The member continues in office subsequent to the 3069  
expiration date of the member's term until the member's successor 3070  
takes office, or until a period of sixty days has elapsed, 3071  
whichever occurs first. 3072

(B) The attorney general shall prescribe procedures for the 3073  
adoption of rules authorized under this chapter, consistent with 3074  
the provision of section 111.15 of the Revised Code under which 3075  
all rules shall be filed in order to be effective. Such procedures 3076  
shall establish methods by which notice of proposed rules are 3077  
given to interested parties and rules adopted by the board 3078  
published and otherwise made available. When it files a rule with 3079

the joint committee on agency rule review pursuant to section 3080  
111.15 of the Revised Code, the board shall submit to the Ohio 3081  
retirement study council a copy of the full text of the rule, and 3082  
if applicable, a copy of the rule summary and fiscal analysis 3083  
required by division (B) of section 127.18 of the Revised Code. 3084

(C)(1) As used in this division, "personal history record" 3085  
means information maintained by the board on an individual who is 3086  
a member, former member, retirant, or beneficiary that includes 3087  
the address, telephone number, social security number, record of 3088  
contributions, correspondence with the system, and other 3089  
information the board determines to be confidential. 3090

(2) The records of the board shall be open to public 3091  
inspection, except for the following which shall be excluded: the 3092  
member's, former member's, retirant's, or beneficiary's personal 3093  
history record and the amount of a monthly allowance or benefit 3094  
paid to a retirant, beneficiary, or survivor, except with the 3095  
written authorization of the individual concerned. ~~All~~ 3096

(D) All medical reports and recommendations are privileged 3097  
except that copies as follows: 3098

(1) Copies of such medical reports or recommendations shall 3099  
be made available to the individual's personal physician, 3100  
attorney, or authorized agent upon written release received from 3101  
such individual or such individual's agent, or when necessary for 3102  
the proper administration of the fund to the board-assigned 3103  
physician. 3104

~~(D)~~ (2) Documentation required by section 2929.193 of the 3105  
Revised Code shall be provided to a court holding a hearing under 3106  
that section. 3107

(E) Notwithstanding the exceptions to public inspection in 3108  
division (C)(2) of this section, the board may furnish the 3109  
following information: 3110

(1) If a member, former member, or retirant is subject to an order issued under section 2907.15 of the Revised Code or an order issued under division (A) or (B) of section 2929.192 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record.

(2) Pursuant to a court order issued under Chapters 3119., 3121., and 3123. of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under those chapters.

(3) At the written request of any nonprofit organization or association providing services to retirement system members, retirants, or beneficiaries, the board shall provide to the organization or association a list of the names and addresses of members, former members, retirants, or beneficiaries if the organization or association agrees to use such information solely in accordance with its stated purpose of providing services to such individuals and not for the benefit of other persons, organizations, or associations. The costs of compiling, copying, and mailing the list shall be paid by such entity.

(4) Within fourteen days after receiving from the director of job and family services a list of the names and social security numbers of recipients of public assistance pursuant to section 5101.181 of the Revised Code, the board shall inform the auditor of state of the name, current or most recent employer address, and social security number of each member whose name and social security number are the same as those of a person whose name or social security number was submitted by the director. The board and its employees, except for purposes of furnishing the auditor of state with information required by this section, shall preserve

the confidentiality of recipients of public assistance in 3143  
compliance with division (A) of section 5101.181 of the Revised 3144  
Code. 3145

(5) The system shall comply with orders issued under section 3146  
3105.87 of the Revised Code. 3147

On the written request of an alternate payee, as defined in 3148  
section 3105.80 of the Revised Code, the system shall furnish to 3149  
the alternate payee information on the amount and status of any 3150  
amounts payable to the alternate payee under an order issued under 3151  
section 3105.171 or 3105.65 of the Revised Code. 3152

(6) At the request of any person, the board shall make 3153  
available to the person copies of all documents, including 3154  
resumes, in the board's possession regarding filling a vacancy of 3155  
an employee member or retirant member of the board. The person who 3156  
made the request shall pay the cost of compiling, copying, and 3157  
mailing the documents. The information described in this division 3158  
is a public record. 3159

(7) The system shall provide the notice required by section 3160  
5505.263 of the Revised Code to the prosecutor assigned to the 3161  
case. 3162

~~(E)~~(F) A statement that contains information obtained from 3163  
the system's records that is certified and signed by an officer of 3164  
the retirement system and to which the system's official seal is 3165  
affixed, or copies of the system's records to which the signature 3166  
and seal are attached, shall be received as true copies of the 3167  
system's records in any court or before any officer of this state. 3168

**Sec. 5505.22.** The right of any individual to a pension, or to 3169  
the return of accumulated contributions, payable as provided under 3170  
this chapter, and all moneys and investments of the state highway 3171  
patrol retirement system and income from moneys or investments are 3172

exempt from any state tax, except the tax imposed by section 3173  
5747.02 of the Revised Code, and are exempt from any county, 3174  
municipal, or other local tax, except taxes imposed pursuant to 3175  
section 5748.02 or 5748.08 of the Revised Code, and, except as 3176  
provided in sections 3105.171, 3105.65, 3115.32, 3119.80, 3119.81, 3177  
3121.02, 3121.03, 3123.06, 5505.26, ~~and 5505.262,~~ and 5505.263 of 3178  
the Revised Code, shall not be subject to execution, garnishment, 3179  
attachment, the operation of bankruptcy or insolvency laws, or any 3180  
other process of law whatsoever, and shall be unassignable except 3181  
as specifically provided in this chapter. 3182

3183

Sec. 5505.263. Notwithstanding any other provision of this 3184  
chapter, a disability benefit granted under this chapter is 3185  
subject to an order issued under section 2929.193 of the Revised 3186  
Code. The state highway patrol retirement board shall comply with 3187  
the order. 3188

On receipt of notice under section 2901.43 of the Revised 3189  
Code that a state highway patrol retirement system member is 3190  
charged with an offense listed in division (D) of section 2929.192 3191  
of the Revised Code under the circumstances specified in that 3192  
division, the system shall determine whether the member has been 3193  
granted a disability benefit. If so, the system shall send written 3194  
notice to the prosecutor assigned to the case that the member has 3195  
been granted a disability benefit under this chapter and may be 3196  
subject to section 2929.193 of the Revised Code. 3197

~~Sec. 5505.34. As used in this section, "alternate payee," 3198~~  
~~"benefit," and "lump sum payment" have the same meanings as in 3199~~  
~~section 3105.80 of the Revised Code.~~ 3200

If a person who is a disability benefit recipient or an 3201  
alternate payee, as defined in section 3105.80 of the Revised 3202



~~Code~~, is paid any ~~amount from a benefit or lump sum payment under~~ 3203  
~~an order issued under section 3105.171 or 3105.65 of the Revised~~ 3204  
~~Code~~ by the state highway patrol retirement system to which the 3205  
person is not entitled, the person shall repay the retirement 3206  
system. If the person fails to repay, the retirement system shall 3207  
withhold the amount due from any benefit or payment due the person 3208  
~~under the order~~ or may collect the amount in any other manner 3209  
provided by law. 3210

**Section 102.** That existing sections 145.27, 145.56, 145.561, 3211  
145.82, 145.95, 742.41, 742.46, 742.47, 742.64, 2329.66, 2929.192, 3212  
3305.07, 3305.08, 3305.20, 3305.22, 3307.20, 3307.41, 3307.42, 3213  
3309.22, 3309.66, 3309.661, 3309.82, 3309.95, 4121.12, 4121.123, 3214  
4121.125, 4121.32, 4121.41, 4121.44, 4121.68, 4123.35, 4123.512, 3215  
4123.52, 5505.04, 5505.22, and 5505.34 and sections 4121.124 and 3216  
4121.99 of the Revised Code are hereby repealed. 3217

**Section 201.** All items in Sections 201 and 203 of this act 3218  
are hereby appropriated out of any moneys in the state treasury to 3219  
the credit of the designated fund. For all appropriations made in 3220  
this act, those in the first column are for fiscal year 2012, and 3221  
those in the second column are for fiscal year 2013. 3222

FND	AI	AI TITLE	Appropriations		
		BWC BUREAU OF WORKERS' COMPENSATION			3224
		Workers' Compensation Fund Group			3225
7023	855401	William Green Lease	\$ 18,291,365	\$ 17,533,370	3226
		Payments to OBA			
7023	855407	Claims, Risk and	\$ 125,427,732	\$ 124,192,959	3227
		Medical Management			
7023	855408	Fraud Prevention	\$ 11,331,154	\$ 11,164,226	3228
7023	855409	Administrative	\$ 101,724,950	\$ 104,136,037	3229
		Services			



Notwithstanding any provision of law to the contrary, all 3257  
tenants of the William Green Building not funded by the Workers' 3258  
Compensation Fund (Fund 7023) shall pay their fair share of the 3259  
costs of lease payments to the Workers' Compensation Fund (Fund 3260  
7023) by intrastate transfer voucher. 3261

WORKERS' COMPENSATION FRAUD UNIT 3262

The Workers' Compensation Section Fund (Fund 1950) 3263  
administered by the Attorney General shall receive payments from 3264  
the Bureau of Workers' Compensation at the beginning of each 3265  
quarter of each fiscal year to fund expenses of the Workers' 3266  
Compensation Fraud Unit within the Attorney General's Office. Of 3267  
the foregoing appropriation item 855410, Attorney General 3268  
Payments, \$828,200 in fiscal year 2012 and \$828,200 in fiscal year 3269  
2013 shall be used to provide these payments. 3270

SAFETY AND HYGIENE 3271

Notwithstanding section 4121.37 of the Revised Code, the 3272  
Treasurer of State shall transfer \$20,382,567 cash in fiscal year 3273  
2012 and \$20,161,132 cash in fiscal year 2013 from the State 3274  
Insurance Fund to the Safety and Hygiene Fund (Fund 8260). 3275

OSHA ON-SITE CONSULTATION PROGRAM 3276

The Bureau of Workers' Compensation may designate a portion 3277  
of appropriation item 855609, Safety and Hygiene Operating, to be 3278  
used to match federal funding for the federal Occupational Safety 3279  
and Health Administration's (OSHA) on-site consultation program. 3280

VOCATIONAL REHABILITATION 3281

The Bureau of Workers' Compensation and the Rehabilitation 3282  
Services Commission shall enter into an interagency agreement for 3283  
the provision of vocational rehabilitation services and staff to 3284  
mutually eligible clients. The bureau shall provide \$605,407 in 3285  
fiscal year 2012 and \$605,407 in fiscal year 2013 from the State 3286

Insurance Fund to fund vocational rehabilitation services and	3287
staff in accordance with the interagency agreement.	3288
FUND BALANCE	3289
Any unencumbered cash balance in excess of \$45,000,000 in the	3290
Workers' Compensation Fund (Fund 7023) on the thirtieth day of	3291
June of each fiscal year shall be used to reduce the	3292
administrative cost rate charged to employers to cover	3293
appropriations for Bureau of Workers' Compensation operations.	3294
<b>Section 211. WCC WORKERS' COMPENSATION COUNCIL</b>	3295
5FV0 321600 Remuneration Expenses \$ 471,200 \$ 471,200	3296
TOTAL 5FV0 Workers' Compensation \$ 471,200 \$ 471,200	3297
Council Remuneration Fund	
TOTAL ALL BUDGET FUND GROUPS \$ 471,200 \$ 471,200	3298
WORKERS' COMPENSATION COUNCIL	3299
The foregoing appropriation item 321600, Remuneration	3300
Expenses, shall be used to pay the payroll and fringe benefit	3301
costs for employees of the Workers' Compensation Council.	3302
<b>Section 221. DEPUTY INSPECTOR GENERAL FOR BWC AND OIC FUNDING</b>	3303
To pay for the FY 2012 costs related to the Deputy Inspector	3304
General for the Bureau of Workers' Compensation and Industrial	3305
Commission, on July 1, 2011, and on January 1, 2012, or as soon as	3306
possible after each date, the Director of Budget and Management	3307
shall transfer \$212,500 in cash from the Workers' Compensation	3308
Fund (Fund 7023) to the Deputy Inspector General for the Bureau of	3309
Workers' Compensation and Industrial Commission Fund (Fund 5FT0).	3310
To pay for the FY 2013 costs related to the Deputy Inspector	3311
General for the Bureau of Workers' Compensation and Industrial	3312
Commission, on July 1, 2012, and on January 1, 2013, or as soon as	3313
possible after each date, the Director of Budget and Management	3314

shall transfer \$212,500 in cash from the Workers' Compensation 3315  
Fund (Fund 7023) to the Deputy Inspector General for the Bureau of 3316  
Workers' Compensation and Industrial Commission Fund (Fund 5FT0). 3317

If additional amounts are needed, the Inspector General may 3318  
seek Controlling Board approval for additional transfers of cash 3319  
and to increase the amount appropriated in appropriation item 3320  
965604, Deputy Inspector General for the Bureau of Workers' 3321  
Compensation and Industrial Commission. 3322

**Section 301.** Law contained in the Main Operating 3323  
Appropriations Act of the 129th General Assembly that applies 3324  
generally to the appropriations made in that act also applies 3325  
generally to the appropriations made in this act. 3326

**Section 311.** The provisions of law contained in this act, and 3327  
their applications, are severable. If any provision of law 3328  
contained in this act, or if any application of any provision of 3329  
law contained in this act, is held invalid, the invalidity does 3330  
not affect other provisions of law contained in this act and their 3331  
applications that can be given effect without the invalid 3332  
provision or application. 3333

**Section 321.** Except as otherwise provided in this act, the 3334  
amendment, enactment, or repeal by this act of a section of law is 3335  
exempt from the referendum under Ohio Constitution, Article II, 3336  
Section 1d and section 1.471 of the Revised Code and therefore 3337  
takes effect immediately when this act becomes law. 3338

**Section 322.** The amendment, enactment, or repeal by this act 3339  
of the divisions and sections of law listed below are subject to 3340  
the referendum under Ohio Constitution, Article II, Section 1c and 3341  
therefore take effect on the ninety-first day after this act is 3342  
filed with the Secretary of State. 3343

All Revised Code sections in Section 101 of this act. 3344

The repeal of sections 4121.124 and 4121.99 of the Revised 3345  
Code. 3346

**Section 323.** Section 2329.66 of the Revised Code is presented 3347  
in this act as a composite of the section as amended by Sub. H.B. 3348  
332, Sub. S.B. 3, and Sub. S.B. 281 of the 127th General Assembly. 3349  
The General Assembly, applying the principle stated in division 3350  
(B) of section 1.52 of the Revised Code that amendments are to be 3351  
harmonized if reasonably capable of simultaneous operation, finds 3352  
that the composite is the resulting version of the section in 3353  
effect prior to the effective date of the section as presented in 3354  
this act. 3355