



AMENDED SENATE BILL 106 – (Regards workers' comp coverage for certain exposure testing)

WRITTEN TESTIMONY- OHIO HOUSE INSURANCE COMMITTEE

February 7, 2024

Chairman Lampton, Vice-Chair Barhorst, Ranking Member Miranda, and members of the Ohio House Insurance Committee, we are writing on behalf of the members of our respective organizations, the National Federation of Independent Business in Ohio (NFIB) and the Ohio Chamber of Commerce, to lend our support for Amended Senate Bill 106.

For reference, NFIB is a small business trade association founded 80 years ago that is dedicated to representing the interests of small and independent businesses across our state and nation. NFIB's mission is to promote the right of our members to own, operate and grow their businesses. NFIB members come from all industry sectors and each of the 88 counties across Ohio. Our average member has 20 or fewer employees and has less than \$2 million in annual gross receipts.

The Ohio Chamber of Commerce is a leading business advocate. The organization represents over 8,000 companies that do business in Ohio and their mission is aggressively champion free enterprise, economic competitiveness and growth for the benefit of all Ohioans.

SB 106 would expand workers' compensation coverage of the post-exposure testing requirement, already in place for first responders and detention facility workers, to include any healthcare professional (doctor, nurse, etc.) staffing an air ambulance or Medevac while transporting a patient. These individuals are at risk of exposure to bodily fluids or chemical substances and this bill will afford them access to covered diagnostic testing to determine whether an injury or disease occurred as a result of the exposure, even when the test findings are negative. We believe this is a

commonsense measure that will provide equity of coverage for employees who face a higher risk of exposure to occupational diseases.

Furthermore, this committee recently added an amendment to SB 106 that enables the Bureau of Workers' Compensation (BWC) to utilize a universal medical release form that was developed by the Department of Medicaid and is widely accepted by hospital systems throughout the state.

Currently, the BWC uses a form (C-101) to be filled out by injured workers who file a workers' compensation claim. The form also makes claimants aware of the universal Medicaid form as another option. Increasingly, though, medical providers are refusing to accept the C-101. The problem for an employer arises when a medical provider refuses to accept the C-101 and a claimant refuses to sign the Medicaid form or the medical provider's specific release because current statute only makes the C-101 form mandatory to complete, rather than a more widely used alternative. There is no requirement that the claimant sign the Medicaid release or the medical provider's specific release form. Thus, an employer is sometimes unable to obtain claimant's medical records relating to their workplace injury because the medical provider won't accept the C-101 and the claimant will not sign any other form but the C-101.

This simple change will allow the BWC to adopt and require the universal Medicaid release form in place of the C-101, thus streamlining the use of a single release form that is amenable to all parties (claimant, employer, and provider) who are involved in a workers' compensation injury claim. The amendment was formulated through the collaboration of the NFIB, Ohio Chamber, and associations representing injured workers. We urge the committee to support SB 106's passage as it will resolve two issues in the Ohio workers' compensation system and will lead to better outcomes for workers and employers.

Sincerely,



Cameron Garczyk
NFIB Ohio



Kevin Shimp
Ohio Chamber of Commerce