

H. B. No. 81
As Introduced

_____ moved to amend as follows:

In line 1 of the title, after "4121.13" insert ", 4121.41, 4121.45" 1

In line 12, after "4121.13" insert ", 4121.41, 4121.45" 2

After line 645, insert: 3

"Sec. 4121.41. (A) The administrator of workers' 4
compensation shall operate a program designed to inform 5
employees and employers of their rights and responsibilities 6
under Chapter 4123. of the Revised Code and as part of that 7
program prepare and distribute pamphlets, which clearly and 8
simply explain at least all of the following: 9

(1) The rights and responsibilities of claimants and 10
employers; 11

(2) The procedures for processing claims; 12

(3) The procedure for fulfilling employer responsibility; 13

(4) All applicable statutes of limitation; 14

(5) The availability of services and benefits; 15

(6) The claimant's right to representation in the 16
processing of a claim or to elect no representation. 17

The administrator shall ensure that the provisions of this 18
section are faithfully and speedily implemented. 19

(B) The bureau of workers' compensation shall maintain an 20
ongoing program to identify employers subject to Chapter 4123. 21
of the Revised Code and to audit employers to ensure an optimum 22
level of premium payment. The bureau shall coordinate such 23
efforts with other governmental agencies which have information 24
as to employers who are subject to Chapter 4123. of the Revised 25
Code. 26

(C) The administrator shall handle complaints through the 27
service offices, the claims section, and the ~~ombudsperson~~ 28
~~program~~workers' compensation customer advocacy office. The 29
administrator shall provide toll free telephone lines for 30
employers and claimants in order to expedite the handling of 31
complaints. The bureau shall monitor complaint traffic to ensure 32
an adequacy of telephone service to bureau offices and shall 33
compile statistics on complaint subjects. Based upon those 34
compilations, the bureau shall revise procedures and rules to 35
correct major problem areas and submit data and recommendations 36
annually to the appropriate committees of the general assembly. 37

Sec. 4121.45. (A) There is hereby created a ~~the~~ workers' 38
compensation ~~ombudsperson system~~ customer advocacy office to 39
assist claimants and employers in matters dealing with the 40
bureau of workers' compensation and the industrial commission. 41
The industrial commission nominating council shall appoint a 42
chief ~~ombudsperson~~ customer advocate. The chief 43
~~ombudsperson~~ customer advocate, with the advice and consent of 44
the nominating council, may appoint such assistant ~~ombudspersons~~ 45

advocates as the nominating council deems necessary. The 46
position of chief ~~ombudsperson~~ customer advocate is for a term 47
of six years. A person appointed to the position of chief 48
~~ombudsperson~~ customer advocate shall serve at the pleasure of 49
the nominating council. The chief ~~ombudsperson~~ customer advocate 50
may not be transferred, demoted, or suspended during the 51
person's tenure and may be removed by the nominating council 52
only upon a vote of not fewer than nine members of the 53
nominating council. The chief ~~ombudsperson~~ customer advocate 54
shall devote the chief ~~ombudsperson's~~ customer advocate's full 55
time and attention to the duties of the ~~ombudsperson's~~ chief 56
customer advocate's office. The administrator of workers' 57
compensation shall furnish the chief ~~ombudsperson~~ customer 58
advocate with the office space, supplies, and clerical 59
assistance that will enable the chief ~~ombudsperson~~ customer 60
advocate and the ~~ombudsperson~~ system customer advocacy office 61
staff to perform their duties effectively. The ~~ombudsperson~~ 62
~~program~~ office shall be funded out of the budget of the bureau 63
and the chief ~~ombudsperson~~ customer advocate and the 64
~~ombudsperson~~ system customer advocacy office staff shall be 65
carried on the bureau payroll. The chief ~~ombudsperson~~ customer 66
advocate and the ~~ombudsperson~~ system customer advocacy office 67
shall be under the direction of the nominating council. The 68
administrator and all employees of the bureau and the commission 69
shall give the ~~ombudsperson~~ system customer advocacy office 70
staff full and prompt cooperation in all matters relating to the 71
duties of the chief ~~ombudsperson~~ customer advocate. 72

(B) The ~~ombudsperson~~ system customer advocacy office staff 73
shall: 74

(1) Answer inquiries or investigate complaints made by 75
employers or claimants under this chapter and Chapter 4123. of 76

the Revised Code as they relate to the processing of a claim for	77
workers' compensation benefits;	78
(2) Provide claimants and employers with information	79
regarding problems which arise out of the functions of the	80
bureau, commission hearing officers, and the commission and the	81
procedures employed in the processing of claims;	82
(3) Answer inquiries or investigate complaints of an	83
employer as they relate to reserves established and premiums	84
charged in connection with the employer's account;	85
(4) Comply with Chapter 102. and sections 2921.42 and	86
2921.43 of the Revised Code and the nominating council's human	87
resource and ethics policies;	88
(5) Not express any opinions as to the merit of a claim or	89
the correctness of a decision by the various officers or	90
agencies as the decision relates to a claim for benefits or	91
compensation.	92
For the purpose of carrying out the chief ombudsperson's	93
<u>customer advocate's</u> duties, the chief ombudsperson <u>customer</u>	94
<u>advocate</u> or the ombudsperson <u>system</u> <u>customer advocacy office</u>	95
staff, notwithstanding sections 4123.27 and 4123.88 of the	96
Revised Code, has the right at all reasonable times to examine	97
the contents of a claim file and discuss with parties in	98
interest the contents of the file as long as the ombudsperson	99
<u>customer advocate</u> does not divulge information that would tend	100
to prejudice the case of either party to a claim or that would	101
tend to compromise a privileged attorney-client relationship,	102
physician-patient relationship, or advanced practice registered	103
nurse-patient relationship.	104
(C) The chief ombudsperson <u>customer advocate</u> shall:	105

(1) Assist any service office in its duties whenever it 106
requires assistance or information that can best be obtained 107
from central office personnel or records; 108

(2) Annually assemble reports from each assistant 109
~~ombudsperson~~-customer advocate as to their activities for the 110
preceding year together with their recommendations as to changes 111
or improvements in the operations of the workers' compensation 112
system. The chief ~~ombudsperson~~-customer advocate shall prepare a 113
written report summarizing the activities of the ~~ombudsperson~~- 114
~~system~~-customer advocacy office together with a digest of 115
recommendations. The chief ~~ombudsperson~~-customer advocate shall 116
transmit the report to the nominating council. 117

(3) Comply with Chapter 102. and sections 2921.42 and 118
2921.43 of the Revised Code and the nominating council's human 119
resource and ethics policies. 120

(D) No ~~ombudsperson~~-customer advocate or assistant 121
~~ombudsperson~~-customer advocate shall: 122

(1) Represent a claimant or employer in claims pending 123
before or to be filed with the administrator, a district or 124
staff hearing officer, the commission, or the courts of the 125
state, nor shall ~~an~~-~~ombudsperson~~-a customer advocate or 126
assistant ~~ombudsperson~~-customer advocate undertake any such 127
representation for a period of one year after the ~~ombudsperson's~~ 128
customer advocate's or assistant ~~ombudsperson's~~-customer 129
advocate's employment terminates or be eligible for employment 130
by the bureau or the commission or as a district or staff 131
hearing officer for one year; 132

(2) Express any opinions as to the merit of a claim or the 133
correctness of a decision by the various officers or agencies as 134

the decision relates to a claim for benefits or compensation. 135

(E) The chief ~~ombudsperson~~customer advocate and assistant 136
~~ombudspersons~~customer advocates shall receive compensation at a 137
level established by the nominating council commensurate with 138
the individual's background, education, and experience in 139
workers' compensation or related fields. The chief ~~ombudsperson~~customer advocate and assistant ~~ombudspersons~~customer advocates 140
are full-time permanent employees in the unclassified service of 141
the state and are entitled to all benefits that accrue to such 142
employees, including, without limitation, sick, vacation, and 143
personal leaves. Assistant ~~ombudspersons~~customer advocates 144
serve at the pleasure of the chief ~~ombudsperson~~customer 145
advocate. 146
147

(F) In the event of a vacancy in the position of chief 148
~~ombudsperson~~customer advocate, the nominating council may 149
appoint a person to serve as acting chief ~~ombudsperson~~customer 150
advocate until a chief ~~ombudsperson~~customer advocate is 151
appointed. The acting chief ~~ombudsperson~~customer advocate shall 152
be under the direction and control of the nominating council and 153
may be removed by the nominating council with or without just 154
cause." 155

In line 2231, after "4121.13" insert ", 4121.41, 4121.45" 156

The motion was _____ agreed to.

SYNOPSIS 157

Workers' Compensation Customer Advocacy Office 158

R.C. 4121.41 and 4121.45	159
Renames the "workers' compensation ombudsperson system"	160
the "Workers' Compensation Customer Advocacy Office."	161
Changes the titles of "chief ombudsperson" and "assistant	162
ombudspersons" to "chief customer advocate" and "assistant	163
customer advocates," respectively.	164