

As Reported by the House Public Insurance and Pensions Committee

136th General Assembly

Regular Session

2025-2026

Am. H. B. No. 81

Representative Stewart

Cosponsors: Representatives Miller, J., Roemer

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A BILL

To amend sections 4121.12, 4121.121, 4121.13, 1
4121.41, 4121.45, 4123.44, 4123.52, 4123.54, 2
4123.57, 4123.66, 4125.07, 4133.10, 4167.01, 3
4167.10, and 5145.163 and to repeal sections 4
4167.25, 4167.27, and 4167.28 of the Revised 5
Code to make appropriations for the Bureau of 6
Workers' Compensation for the biennium beginning 7
July 1, 2025, and ending June 30, 2027, to 8
provide authorization and conditions for the 9
operation of the Bureau's programs, and to make 10
changes to the Workers' Compensation Law. 11

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

Section 1. That sections 4121.12, 4121.121, 4121.13, 12
4121.41, 4121.45, 4123.44, 4123.52, 4123.54, 4123.57, 4123.66, 13
4125.07, 4133.10, 4167.01, 4167.10, and 5145.163 of the Revised 14
Code be amended to read as follows: 15

Sec. 4121.12. (A) There is hereby created the bureau of 16
workers' compensation board of directors consisting of eleven 17
members to be appointed by the governor with the advice and 18

consent of the senate. One member shall be an individual who, on 19
account of the individual's previous vocation, employment, or 20
affiliations, can be classed as a representative of employees; 21
two members shall be individuals who, on account of their 22
previous vocation, employment, or affiliations, can be classed 23
as representatives of employee organizations and at least one of 24
these two individuals shall be a member of the executive 25
committee of the largest statewide labor federation; three 26
members shall be individuals who, on account of their previous 27
vocation, employment, or affiliations, can be classed as 28
representatives of employers, one of whom represents self- 29
insuring employers, one of whom is a state fund employer who 30
employs one hundred or more employees, and one of whom is a 31
state fund employer who employs less than one hundred employees; 32
two members shall be individuals who, on account of their 33
vocation, employment, or affiliations, can be classed as 34
investment and securities experts who have direct experience in 35
the management, analysis, supervision, or investment of assets 36
and are residents of this state; one member who shall be a 37
certified public accountant; one member who shall be an actuary 38
who is a member in good standing with the American academy of 39
actuaries or who is an associate or fellow with the casualty 40
actuarial society; and one member shall represent the public and 41
also be an individual who, on account of the individual's 42
previous vocation, employment, or affiliations, cannot be 43
classed as either predominantly representative of employees or 44
of employers. The governor shall select the chairperson of the 45
board who shall serve as chairperson at the pleasure of the 46
governor. 47

None of the members of the board, within one year 48
immediately preceding the member's appointment, shall have been 49

employed by the bureau of workers' compensation or by any 50
person, partnership, or corporation that has provided to the 51
bureau services of a financial or investment nature, including 52
the management, analysis, supervision, or investment of assets. 53

(B) Of the initial appointments made to the board, the 54
governor shall appoint the member who represents employees, one 55
member who represents employers, and the member who represents 56
the public to a term ending one year after June 11, 2007; one 57
member who represents employers, one member who represents 58
employee organizations, one member who is an investment and 59
securities expert, and the member who is a certified public 60
accountant to a term ending two years after June 11, 2007; and 61
one member who represents employers, one member who represents 62
employee organizations, one member who is an investment and 63
securities expert, and the member who is an actuary to a term 64
ending three years after June 11, 2007. Thereafter, terms of 65
office shall be for three years, with each term ending on the 66
same day of the same month as did the term that it succeeds. 67
Each member shall hold office from the date of the member's 68
appointment until the end of the term for which the member was 69
appointed. 70

Members may be reappointed. Any member appointed to fill a 71
vacancy occurring prior to the expiration date of the term for 72
which the member's predecessor was appointed shall hold office 73
as a member for the remainder of that term. A member shall 74
continue in office subsequent to the expiration date of the 75
member's term until a successor takes office or until a period 76
of sixty days has elapsed, whichever occurs first. 77

(C) In making appointments to the board, the governor 78
shall select the members from the list of names submitted by the 79

workers' compensation board of directors nominating committee 80
pursuant to this division. The nominating committee shall submit 81
to the governor a list containing four separate names for each 82
of the members on the board. Within fourteen days after the 83
submission of the list, the governor shall appoint individuals 84
from the list. 85

At least thirty days prior to a vacancy occurring as a 86
result of the expiration of a term and within thirty days after 87
other vacancies occurring on the board, the nominating committee 88
shall submit an initial list containing four names for each 89
vacancy. Within fourteen days after the submission of the 90
initial list, the governor either shall appoint individuals from 91
that list or request the nominating committee to submit another 92
list of four names for each member the governor has not 93
appointed from the initial list, which list the nominating 94
committee shall submit to the governor within fourteen days 95
after the governor's request. The governor then shall appoint, 96
within seven days after the submission of the second list, one 97
of the individuals from either list to fill the vacancy for 98
which the governor has not made an appointment from the initial 99
list. If the governor appoints an individual to fill a vacancy 100
occurring as a result of the expiration of a term, the 101
individual appointed shall begin serving as a member of the 102
board when the term for which the individual's predecessor was 103
appointed expires or immediately upon appointment by the 104
governor, whichever occurs later. With respect to the filling of 105
vacancies, the nominating committee shall provide the governor 106
with a list of four individuals who are, in the judgment of the 107
nominating committee, the most fully qualified to accede to 108
membership on the board. 109

In order for the name of an individual to be submitted to 110

the governor under this division, the nominating committee shall 111
approve the individual by an affirmative vote of a majority of 112
its members. 113

(D) All members of the board shall receive their 114
reasonable and necessary expenses pursuant to section 126.31 of 115
the Revised Code while engaged in the performance of their 116
duties as members and also shall receive an annual salary not to 117
exceed sixty thousand dollars in total, payable on the following 118
basis: 119

(1) Except as provided in division (D) (2) of this section, 120
a member shall receive two thousand five hundred dollars during 121
a month in which the member attends one or more meetings of the 122
board and shall receive no payment during a month in which the 123
member attends no meeting of the board. 124

(2) A member may receive no more than thirty thousand 125
dollars per year to compensate the member for attending meetings 126
of the board, regardless of the number of meetings held by the 127
board during a year or the number of meetings in excess of 128
twelve within a year that the member attends. 129

(3) Except as provided in division (D) (4) of this section, 130
if a member serves on the workers' compensation audit committee, 131
workers' compensation actuarial committee, or the workers' 132
compensation investment committee, the member shall receive two 133
thousand five hundred dollars during a month in which the member 134
attends one or more meetings of the committee on which the 135
member serves and shall receive no payment during any month in 136
which the member attends no meeting of that committee. 137

(4) A member may receive no more than thirty thousand 138
dollars per year to compensate the member for attending meetings 139

of any of the committees specified in division (D) (3) of this 140
section, regardless of the number of meetings held by a 141
committee during a year or the number of committees on which a 142
member serves. 143

The chairperson of the board shall set the meeting dates 144
of the board as necessary to perform the duties of the board 145
under this chapter and Chapters 4123., 4125., 4127., 4131., 146
4133., and 4167. of the Revised Code. The board shall meet at 147
least twelve times a year. The administrator of workers' 148
compensation shall provide professional and clerical assistance 149
to the board, as the board considers appropriate. 150

(E) Before entering upon the duties of office, each 151
appointed member of the board shall take an oath of office as 152
required by sections 3.22 and 3.23 of the Revised Code and file 153
in the office of the secretary of state the bond required under 154
section 4121.127 of the Revised Code. 155

(F) The board shall: 156

(1) Establish the overall administrative policy for the 157
bureau for the purposes of this chapter and Chapters 4123., 158
4125., 4127., 4131., 4133., and 4167. of the Revised Code; 159

(2) Review progress of the bureau in meeting its cost and 160
quality objectives and in complying with this chapter and 161
Chapters 4123., 4125., 4127., 4131., 4133., and 4167. of the 162
Revised Code; 163

(3) Submit an annual report to the president of the 164
senate, the speaker of the house of representatives, and the 165
governor and include all of the following in that report: 166

(a) An evaluation of the cost and quality objectives of 167
the bureau; 168

(b) A statement of the net assets available for the provision of compensation and benefits under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code as of the last day of the fiscal year;	169 170 171 172
(c) A statement of any changes that occurred in the net assets available, including employer premiums and net investment income, for the provision of compensation and benefits and payment of administrative expenses, between the first and last day of the fiscal year immediately preceding the date of the report;	173 174 175 176 177 178
(d) The following information for each of the six consecutive fiscal years occurring previous to the report:	179 180
(i) A schedule of the net assets available for compensation and benefits;	181 182
(ii) The annual cost of the payment of compensation and benefits;	183 184
(iii) Annual administrative expenses incurred;	185
(iv) Annual employer premiums allocated for the provision of compensation and benefits.	186 187
(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.	188 189 190 191 192
(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.	193 194 195
(5) Study issues as requested by the administrator or the	196

governor;	197
(6) Contract with all of the following:	198
(a) An independent actuarial firm to assist the board in making recommendations to the administrator regarding premium rates;	199 200 201
(b) An outside investment counsel to assist the workers' compensation investment committee in fulfilling its duties;	202 203
(c) An independent fiduciary counsel to assist the board in the performance of its duties.	204 205
(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;	206 207 208 209
(8) Review and publish the investment policy no less than annually and make copies available to interested parties;	210 211
(9) Prohibit, on a prospective basis, any specific investment it finds to be contrary to the investment policy approved by the board;	212 213 214
(10) Vote to open each investment class and allow the administrator to invest in an investment class only if the board, by a majority vote, opens that class;	215 216 217
(11) After opening a class but prior to the administrator investing in that class, adopt rules establishing due diligence standards for employees of the bureau to follow when investing in that class and establish policies and procedures to review and monitor the performance and value of each investment class;	218 219 220 221 222
(12) Submit a report annually on the performance and value	223

of each investment class to the governor, the president and 224
minority leader of the senate, and the speaker and minority 225
leader of the house of representatives; 226

(13) Advise and consent on all of the following: 227

(a) Administrative rules the administrator submits to it 228
pursuant to division (B) (5) of section 4121.121 of the Revised 229
Code for the classification of occupations or industries, for 230
premium rates and contributions, for the amount to be credited 231
to the surplus fund, for rules and systems of rating, rate 232
revisions, and merit rating; 233

(b) The duties and authority conferred upon the 234
administrator pursuant to section 4121.37 of the Revised Code; 235

(c) Rules the administrator adopts for the health 236
partnership program and the qualified health plan system, as 237
provided in sections 4121.44, 4121.441, and 4121.442 of the 238
Revised Code; 239

(d) Rules the administrator submits to it pursuant to 240
Chapter 4167. of the Revised Code regarding the public 241
employment risk reduction program ~~and the protection of public~~ 242
~~health care workers from exposure incidents.~~ 243

~~As used in this division, "public health care worker" and~~ 244
~~"exposure incident" have the same meanings as in section 4167.25~~ 245
~~of the Revised Code.~~ 246

(14) Perform all duties required under this chapter and 247
Chapters 4123., 4125., 4127., 4131., 4133., and 4167. of the 248
Revised Code; 249

~~(15) Meet with the governor on an annual basis to discuss~~ 250
~~the administrator's performance of the duties specified in this~~ 251

chapter and Chapters 4123., 4125., 4127., 4131., 4133., and	252
4167. of the Revised Code;	253
(16) Develop and participate in a bureau of workers'	254
compensation board of directors education program that consists	255
of all of the following:	256
(a) An orientation component for newly appointed members;	257
(b) A continuing education component for board members who	258
have served for at least one year;	259
(c) A curriculum that includes education about each of the	260
following topics:	261
(i) Board member duties and responsibilities;	262
(ii) Compensation and benefits paid pursuant to this	263
chapter and Chapters 4123., 4127., and 4131. of the Revised	264
Code;	265
(iii) Ethics;	266
(iv) Governance processes and procedures;	267
(v) Actuarial soundness;	268
(vi) Investments;	269
(vii) Any other subject matter the board believes is	270
reasonably related to the duties of a board member.	271
(17) <u>(16)</u> Hold all sessions, classes, and other events for	272
the program developed pursuant to division (F) (16) <u>(F) (15)</u> of	273
this section in this state.	274
(G) The board may do both of the following:	275
(1) Vote to close any investment class;	276

(2) Create any committees in addition to the workers' 277
compensation audit committee, the workers' compensation 278
actuarial committee, and the workers' compensation investment 279
committee that the board determines are necessary to assist the 280
board in performing its duties. 281

(H) The office of a member of the board who is convicted 282
of or pleads guilty to a felony, a theft offense as defined in 283
section 2913.01 of the Revised Code, or a violation of section 284
102.02, 102.03, 102.04, 2921.02, 2921.11, 2921.13, 2921.31, 285
2921.41, 2921.42, 2921.43, or 2921.44 of the Revised Code shall 286
be deemed vacant. The vacancy shall be filled in the same manner 287
as the original appointment. A person who has pleaded guilty to 288
or been convicted of an offense of that nature is ineligible to 289
be a member of the board. A member who receives a bill of 290
indictment for any of the offenses specified in this section 291
shall be automatically suspended from the board pending 292
resolution of the criminal matter. 293

~~(I) For the purposes of division (C) (1) of section 121.22~~ 294
~~of the Revised Code, the meeting between the governor and the~~ 295
~~board to review the administrator's performance as required~~ 296
~~under division (F) (15) of this section shall be considered a~~ 297
~~meeting regarding the employment of the~~ 298
~~administrator.~~ Notwithstanding any provision to the contrary in 299
section 3.17 of the Revised Code, a board member who fails to 300
attend nine or more board meetings, including regular and 301
special meetings, during any consecutive twelve-month period 302
forfeits the member's position on the board. The resulting 303
vacancy shall be filled in the same manner as the original 304
appointment. 305

Sec. 4121.121. (A) There is hereby created the bureau of 306

workers' compensation, which shall be administered by the 307
administrator of workers' compensation. A person appointed to 308
the position of administrator shall possess significant 309
management experience in effectively managing an organization or 310
organizations of substantial size and complexity. A person 311
appointed to the position of administrator also shall possess a 312
minimum of five years of experience in the field of workers' 313
compensation insurance or in another insurance industry, except 314
as otherwise provided when the conditions specified in division 315
(C) of this section are satisfied. The governor shall appoint 316
the administrator as provided in section 121.03 of the Revised 317
Code, and the administrator shall serve at the pleasure of the 318
governor. The governor shall fix the administrator's salary on 319
the basis of the administrator's experience and the 320
administrator's responsibilities and duties under this chapter 321
and Chapters 4123., 4125., 4127., 4131., 4133., and 4167. of the 322
Revised Code. The governor shall not appoint to the position of 323
administrator any person who has, or whose spouse has, given a 324
contribution to the campaign committee of the governor in an 325
amount greater than one thousand dollars during the two-year 326
period immediately preceding the date of the appointment of the 327
administrator. 328

The administrator shall hold no other public office and 329
shall devote full time to the duties of administrator. Before 330
entering upon the duties of the office, the administrator shall 331
take an oath of office as required by sections 3.22 and 3.23 of 332
the Revised Code, and shall file in the office of the secretary 333
of state, a bond signed by the administrator and by surety 334
approved by the governor, for the sum of fifty thousand dollars 335
payable to the state, conditioned upon the faithful performance 336
of the administrator's duties. 337

(B) The administrator is responsible for the management of 338
the bureau and for the discharge of all administrative duties 339
imposed upon the administrator in this chapter and Chapters 340
4123., 4125., 4127., 4131., 4133., and 4167. of the Revised 341
Code, and in the discharge thereof shall do all of the 342
following: 343

(1) Perform all acts and exercise all authorities and 344
powers, discretionary and otherwise that are required of or 345
vested in the bureau or any of its employees in this chapter and 346
Chapters 4123., 4125., 4127., 4131., 4133., and 4167. of the 347
Revised Code, except the acts and the exercise of authority and 348
power that is required of and vested in the bureau of workers' 349
compensation board of directors or the industrial commission 350
pursuant to those chapters. The treasurer of state shall honor 351
all warrants signed by the administrator, or by one or more of 352
the administrator's employees, authorized by the administrator 353
in writing, or bearing the facsimile signature of the 354
administrator or such employee under sections 4123.42 and 355
4123.44 of the Revised Code. 356

(2) Employ, direct, and supervise all employees required 357
in connection with the performance of the duties assigned to the 358
bureau by this chapter and Chapters 4123., 4125., 4127., 4131., 359
4133., and 4167. of the Revised Code, including an actuary, and 360
may establish job classification plans and compensation for all 361
employees of the bureau provided that this grant of authority 362
shall not be construed as affecting any employee for whom the 363
state employment relations board has established an appropriate 364
bargaining unit under section 4117.06 of the Revised Code. All 365
positions of employment in the bureau are in the classified 366
civil service except those employees the administrator may 367
appoint to serve at the administrator's pleasure in the 368

unclassified civil service pursuant to section 124.11 of the 369
Revised Code. The administrator shall fix the salaries of 370
employees the administrator appoints to serve at the 371
administrator's pleasure, including the chief operating officer, 372
staff physicians, staff certified nurse-midwives, staff clinical 373
nurse specialists, staff certified nurse practitioners, and 374
other senior management personnel of the bureau and shall 375
establish the compensation of staff attorneys of the bureau's 376
legal section and their immediate supervisors, and take whatever 377
steps are necessary to provide adequate compensation for other 378
staff attorneys. 379

The administrator may appoint a person who holds a 380
certified position in the classified service within the bureau 381
to a position in the unclassified service within the bureau. A 382
person appointed pursuant to this division to a position in the 383
unclassified service shall retain the right to resume the 384
position and status held by the person in the classified service 385
immediately prior to the person's appointment in the 386
unclassified service, regardless of the number of positions the 387
person held in the unclassified service. An employee's right to 388
resume a position in the classified service may only be 389
exercised when the administrator demotes the employee to a pay 390
range lower than the employee's current pay range or revokes the 391
employee's appointment to the unclassified service. An employee 392
who holds a position in the classified service and who is 393
appointed to a position in the unclassified service on or after 394
January 1, 2016, shall have the right to resume a position in 395
the classified service under this division only within five 396
years after the effective date of the employee's appointment in 397
the unclassified service. An employee forfeits the right to 398
resume a position in the classified service when the employee is 399

removed from the position in the unclassified service due to 400
incompetence, inefficiency, dishonesty, drunkenness, immoral 401
conduct, insubordination, discourteous treatment of the public, 402
neglect of duty, violation of this chapter or Chapter 124., 403
4123., 4125., 4127., 4131., 4133., or 4167. of the Revised Code, 404
violation of the rules of the director of administrative 405
services or the administrator, any other failure of good 406
behavior, any other acts of misfeasance, malfeasance, or 407
nonfeasance in office, or conviction of a felony while employed 408
in the civil service. An employee also forfeits the right to 409
resume a position in the classified service upon transfer to a 410
different agency. 411

Reinstatement to a position in the classified service 412
shall be to a position substantially equal to that position in 413
the classified service held previously, as certified by the 414
department of administrative services. If the position the 415
person previously held in the classified service has been placed 416
in the unclassified service or is otherwise unavailable, the 417
person shall be appointed to a position in the classified 418
service within the bureau that the director of administrative 419
services certifies is comparable in compensation to the position 420
the person previously held in the classified service. Service in 421
the position in the unclassified service shall be counted as 422
service in the position in the classified service held by the 423
person immediately prior to the person's appointment in the 424
unclassified service. When a person is reinstated to a position 425
in the classified service as provided in this division, the 426
person is entitled to all rights, status, and benefits accruing 427
to the position during the person's time of service in the 428
position in the unclassified service. 429

(3) Reorganize the work of the bureau, its sections, 430

departments, and offices to the extent necessary to achieve the 431
most efficient performance of its functions and to that end may 432
establish, change, or abolish positions and assign and reassign 433
duties and responsibilities of every employee of the bureau. All 434
persons employed by the commission in positions that, after 435
November 3, 1989, are supervised and directed by the 436
administrator under this section are transferred to the bureau 437
in their respective classifications but subject to reassignment 438
and reclassification of position and compensation as the 439
administrator determines to be in the interest of efficient 440
administration. The civil service status of any person employed 441
by the commission is not affected by this section. Personnel 442
employed by the bureau or the commission who are subject to 443
Chapter 4117. of the Revised Code shall retain all of their 444
rights and benefits conferred pursuant to that chapter as it 445
presently exists or is hereafter amended and nothing in this 446
chapter or Chapter 4123. of the Revised Code shall be construed 447
as eliminating or interfering with Chapter 4117. of the Revised 448
Code or the rights and benefits conferred under that chapter to 449
public employees or to any bargaining unit. 450

(4) Provide offices, equipment, supplies, and other 451
facilities for the bureau. 452

(5) Prepare and submit to the board information the 453
administrator considers pertinent or the board requires, 454
together with the administrator's recommendations, in the form 455
of administrative rules, for the advice and consent of the 456
board, for classifications of occupations or industries, for 457
premium rates and contributions, for the amount to be credited 458
to the surplus fund, for rules and systems of rating, rate 459
revisions, and merit rating. The administrator shall obtain, 460
prepare, and submit any other information the board requires for 461

the prompt and efficient discharge of its duties. 462

(6) Keep the accounts required by division (A) of section 463
4123.34 of the Revised Code and all other accounts and records 464
necessary to the collection, administration, and distribution of 465
the workers' compensation funds and shall obtain the statistical 466
and other information required by section 4123.19 of the Revised 467
Code. 468

(7) Exercise the investment powers vested in the 469
administrator by section 4123.44 of the Revised Code in 470
accordance with the investment policy approved by the board 471
pursuant to section 4121.12 of the Revised Code and in 472
consultation with the chief investment officer of the bureau of 473
workers' compensation. The administrator shall not engage in any 474
prohibited investment activity specified by the board pursuant 475
to division (F) (9) of section 4121.12 of the Revised Code and 476
shall not invest in any type of investment specified in 477
divisions (B) (1) to (10) of section 4123.442 of the Revised 478
Code. All business shall be transacted, all funds invested, all 479
warrants for money drawn and payments made, and all cash and 480
securities and other property held, in the name of the bureau, 481
or in the name of its nominee, provided that nominees are 482
authorized by the administrator solely for the purpose of 483
facilitating the transfer of securities, and restricted to the 484
administrator and designated employees. 485

(8) In accordance with Chapter 125. of the Revised Code, 486
purchase supplies, materials, equipment, and services. 487

(9) Prepare ~~and submit to the board~~ an annual budget for 488
internal operating purposes ~~for the board's approval~~. The 489
administrator also shall, separately from the budget the 490
industrial commission submits, prepare and submit to the 491

director of budget and management a budget for each biennium. 492
The ~~budgets~~ budget submitted to the ~~board and the~~ director shall 493
include estimates of the costs and necessary expenditures of the 494
bureau in the discharge of any duty imposed by law. 495

(10) As promptly as possible in the course of efficient 496
administration, decentralize and relocate such of the personnel 497
and activities of the bureau as is appropriate to the end that 498
the receipt, investigation, determination, and payment of claims 499
may be undertaken at or near the place of injury or the 500
residence of the claimant and for that purpose establish 501
regional offices, in such places as the administrator considers 502
proper, capable of discharging as many of the functions of the 503
bureau as is practicable so as to promote prompt and efficient 504
administration in the processing of claims. All active and 505
inactive lost-time claims files shall be held at the service 506
office responsible for the claim. A claimant, at the claimant's 507
request, shall be provided with information by telephone as to 508
the location of the file pertaining to the claimant's claim. The 509
administrator shall ensure that all service office employees 510
report directly to the director for their service office. 511

(11) Provide a written binder on new coverage where the 512
administrator considers it to be in the best interest of the 513
risk. The administrator, or any other person authorized by the 514
administrator, shall grant the binder upon submission of a 515
request for coverage by the employer. A binder is effective for 516
a period of thirty days from date of issuance and is 517
nonrenewable. Payroll reports and premium charges shall coincide 518
with the effective date of the binder. 519

(12) Set standards for the reasonable and maximum handling 520
time of claims payment functions, ensure, by rules, the 521

impartial and prompt treatment of all claims and employer risk 522
accounts, and establish a secure, accurate method of time 523
stamping all incoming mail and documents hand delivered to 524
bureau employees. 525

(13) Ensure that all employees of the bureau follow the 526
orders and rules of the commission as such orders and rules 527
relate to the commission's overall adjudicatory policy-making 528
and management duties under this chapter and Chapters 4123., 529
4127., and 4131. of the Revised Code. 530

(14) Manage and operate a data processing system with a 531
common data base for the use of both the bureau and the 532
commission and, in consultation with the commission, using 533
electronic data processing equipment, shall develop a claims 534
tracking system that is sufficient to monitor the status of a 535
claim at any time and that lists appeals that have been filed 536
and orders or determinations that have been issued pursuant to 537
section 4123.511 or 4123.512 of the Revised Code, including the 538
dates of such filings and issuances. 539

(15) Establish and maintain a medical section within the 540
bureau. The medical section shall do all of the following: 541

(a) Assist the administrator in establishing standard 542
medical fees, approving medical procedures, and determining 543
eligibility and reasonableness of the compensation payments for 544
medical, hospital, and nursing services, and in establishing 545
guidelines for payment policies which recognize usual, 546
customary, and reasonable methods of payment for covered 547
services; 548

(b) Provide a resource to respond to questions from claims 549
examiners for employees of the bureau; 550

(c) Audit fee bill payments;	551
(d) Implement a program to utilize, to the maximum extent possible, electronic data processing equipment for storage of information to facilitate authorizations of compensation payments for medical, hospital, drug, and nursing services;	552 553 554 555
(e) Perform other duties assigned to it by the administrator.	556 557
(16) Appoint, as the administrator determines necessary, panels to review and advise the administrator on disputes arising over a determination that a health care service or supply provided to a claimant is not covered under this chapter or Chapter 4123., 4127., or 4131. of the Revised Code or is medically unnecessary. If an individual health care provider is involved in the dispute, the panel shall consist of individuals licensed pursuant to the same section of the Revised Code as such health care provider.	558 559 560 561 562 563 564 565 566
(17) Pursuant to section 4123.65 of the Revised Code, approve applications for the final settlement of claims for compensation or benefits under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code as the administrator determines appropriate, except in regard to the applications of self-insuring employers and their employees.	567 568 569 570 571 572
(18) Comply with section 3517.13 of the Revised Code, and except in regard to contracts entered into pursuant to the authority contained in section 4121.44 of the Revised Code, comply with the competitive bidding procedures set forth in the Revised Code for all contracts into which the administrator enters provided that those contracts fall within the type of contracts and dollar amounts specified in the Revised Code for	573 574 575 576 577 578 579

competitive bidding and further provided that those contracts 580
are not otherwise specifically exempt from the competitive 581
bidding procedures contained in the Revised Code. 582

(19) Adopt, with the advice and consent of the board, 583
rules for the operation of the bureau. 584

(20) Prepare and submit to the board information the 585
administrator considers pertinent or the board requires, 586
together with the administrator's recommendations, in the form 587
of administrative rules, for the advice and consent of the 588
board, for the health partnership program and the qualified 589
health plan system, as provided in sections 4121.44, 4121.441, 590
and 4121.442 of the Revised Code. 591

(C) The administrator, with the advice and consent of the 592
senate, shall appoint a chief operating officer who has a 593
minimum of five years of experience in the field of workers' 594
compensation insurance or in another similar insurance industry 595
if the administrator does not possess such experience. The chief 596
operating officer shall not commence the chief operating 597
officer's duties until after the senate consents to the chief 598
operating officer's appointment. The chief operating officer 599
shall serve in the unclassified civil service of the state. 600

Sec. 4121.13. The administrator of workers' compensation 601
shall: 602

(A) Investigate, ascertain, and declare and prescribe what 603
hours of labor, safety devices, safeguards, or other means or 604
methods of protection are best adapted to render the employees 605
of every employment and place of employment and frequenters of 606
every place of employment safe, and to protect their welfare as 607
required by law or lawful orders, ~~and establish and maintain~~ 608

~~museums of safety and hygiene in which shall be exhibited safety 609~~
~~devices, safeguards, and other means and methods for the 610~~
~~protection of life, health, safety, and welfare of employees; 611~~

(B) Ascertain and fix reasonable standards and prescribe, 612
modify, and enforce reasonable orders for the adoption of safety 613
devices, safeguards, and other means or methods of protection to 614
be as nearly uniform as possible as may be necessary to carry 615
out all laws and lawful orders relative to the protection of the 616
life, health, safety, and welfare of employees in employments 617
and places of employment or frequenters of places of employment; 618

(C) Ascertain, fix, and order reasonable standards for the 619
construction, repair, and maintenance of places of employment as 620
shall render them safe; 621

(D) Investigate, ascertain, and determine reasonable 622
classifications of persons, employments, and places of 623
employment as are necessary to carry out the applicable sections 624
of sections 4101.01 to 4101.16 and 4121.01 to 4121.29 of the 625
Revised Code; 626

(E) Adopt reasonable and proper rules relative to the 627
exercise of ~~his~~ the administrator's powers and authorities, and 628
proper rules to govern ~~his~~ the administrator's proceedings and 629
to regulate the mode and manner of all investigations and 630
hearings, which rules shall not be effective until ten days 631
after their publication; a copy of the rules shall be delivered 632
at cost to every citizen making application therefor; 633

(F) Investigate all cases of fraud or other illegalities 634
pertaining to the operation of the workers' compensation system 635
and its several insurance funds and for that purpose, the 636
administrator has every power of an inquisitorial nature granted 637

to the industrial commission in this chapter and Chapter 4123. 638
of the Revised Code; 639

(G) Do all things convenient and necessary to accomplish 640
the purposes directed in sections 4101.01 to 4101.16 and 4121.01 641
to 4121.28 of the Revised Code; 642

(H) Nothing in this section shall be construed to 643
supersede section 4105.011 of the Revised Code in particular, or 644
Chapter 4105. of the Revised Code in general. 645

Sec. 4121.41. (A) The administrator of workers' 646
compensation shall operate a program designed to inform 647
employees and employers of their rights and responsibilities 648
under Chapter 4123. of the Revised Code and as part of that 649
program prepare and distribute pamphlets, which clearly and 650
simply explain at least all of the following: 651

(1) The rights and responsibilities of claimants and 652
employers; 653

(2) The procedures for processing claims; 654

(3) The procedure for fulfilling employer responsibility; 655

(4) All applicable statutes of limitation; 656

(5) The availability of services and benefits; 657

(6) The claimant's right to representation in the 658
processing of a claim or to elect no representation. 659

The administrator shall ensure that the provisions of this 660
section are faithfully and speedily implemented. 661

(B) The bureau of workers' compensation shall maintain an 662
ongoing program to identify employers subject to Chapter 4123. 663
of the Revised Code and to audit employers to ensure an optimum 664

level of premium payment. The bureau shall coordinate such 665
efforts with other governmental agencies which have information 666
as to employers who are subject to Chapter 4123. of the Revised 667
Code. 668

(C) The administrator shall handle complaints through the 669
service offices, the claims section, and the ~~ombudsman~~ 670
~~program~~workers' compensation customer advocacy office. The 671
administrator shall provide toll free telephone lines for 672
employers and claimants in order to expedite the handling of 673
complaints. The bureau shall monitor complaint traffic to ensure 674
an adequacy of telephone service to bureau offices and shall 675
compile statistics on complaint subjects. Based upon those 676
compilations, the bureau shall revise procedures and rules to 677
correct major problem areas and submit data and recommendations 678
annually to the appropriate committees of the general assembly. 679

Sec. 4121.45. (A) There is hereby created a the workers' 680
compensation ~~ombudsman~~ system customer advocacy office to 681
assist claimants and employers in matters dealing with the 682
bureau of workers' compensation and the industrial commission. 683
The industrial commission nominating council shall appoint a 684
chief ~~ombudsman~~ customer advocate. The chief 685
~~ombudsman~~ customer advocate, with the advice and consent of 686
the nominating council, may appoint such assistant ~~ombudsmen~~ 687
advocates as the nominating council deems necessary. The 688
position of chief ~~ombudsman~~ customer advocate is for a term 689
of six years. A person appointed to the position of chief 690
~~ombudsman~~ customer advocate shall serve at the pleasure of 691
the nominating council. The chief ~~ombudsman~~ customer advocate 692
may not be transferred, demoted, or suspended during the 693
person's tenure and may be removed by the nominating council 694
only upon a vote of not fewer than nine members of the 695

nominating council. The chief ~~ombudsman~~customer advocate 696
shall devote the chief ~~ombudsman's~~customer advocate's full 697
time and attention to the duties of the ~~ombudsman's~~chief 698
customer advocate's office. The administrator of workers' 699
compensation shall furnish the chief ~~ombudsman~~customer 700
advocate with the office space, supplies, and clerical 701
assistance that will enable the chief ~~ombudsman~~customer 702
advocate and the ~~ombudsman system~~customer advocacy office 703
staff to perform their duties effectively. The ~~ombudsman~~program
office shall be funded out of the budget of the bureau 705
and the chief ~~ombudsman~~customer advocate and the 706
~~ombudsman system~~customer advocacy office staff shall be 707
carried on the bureau payroll. The chief ~~ombudsman~~customer 708
advocate and the ~~ombudsman system~~customer advocacy office 709
shall be under the direction of the nominating council. The 710
administrator and all employees of the bureau and the commission 711
shall give the ~~ombudsman system~~customer advocacy office 712
staff full and prompt cooperation in all matters relating to the 713
duties of the chief ~~ombudsman~~customer advocate. 714

(B) The ~~ombudsman system~~customer advocacy office staff 715
shall: 716

(1) Answer inquiries or investigate complaints made by 717
employers or claimants under this chapter and Chapter 4123. of 718
the Revised Code as they relate to the processing of a claim for 719
workers' compensation benefits; 720

(2) Provide claimants and employers with information 721
regarding problems which arise out of the functions of the 722
bureau, commission hearing officers, and the commission and the 723
procedures employed in the processing of claims; 724

(3) Answer inquiries or investigate complaints of an 725

employer as they relate to reserves established and premiums	726
charged in connection with the employer's account;	727
(4) Comply with Chapter 102. and sections 2921.42 and	728
2921.43 of the Revised Code and the nominating council's human	729
resource and ethics policies;	730
(5) Not express any opinions as to the merit of a claim or	731
the correctness of a decision by the various officers or	732
agencies as the decision relates to a claim for benefits or	733
compensation.	734
For the purpose of carrying out the chief ombuds <u>customer advocate's</u>	735
duties, the chief ombuds <u>customer</u>	736
advocate or the ombuds <u>customer advocacy office</u>	737
staff, notwithstanding sections 4123.27 and 4123.88 of the	738
Revised Code, has the right at all reasonable times to examine	739
the contents of a claim file and discuss with parties in	740
interest the contents of the file as long as the ombuds	741
customer advocate does not divulge information that would tend	742
to prejudice the case of either party to a claim or that would	743
tend to compromise a privileged attorney-client relationship,	744
physician-patient relationship, or advanced practice registered	745
nurse-patient relationship.	746
(C) The chief ombuds <u>customer advocate</u> shall:	747
(1) Assist any service office in its duties whenever it	748
requires assistance or information that can best be obtained	749
from central office personnel or records;	750
(2) Annually assemble reports from each assistant	751
ombuds <u>customer advocate</u> as to their activities for the	752
preceding year together with their recommendations as to changes	753
or improvements in the operations of the workers' compensation	754

system. The chief ~~ombuds~~person-customer advocate shall prepare a 755
written report summarizing the activities of the ~~ombuds~~person- 756
~~system~~-customer advocacy office together with a digest of 757
recommendations. The chief ~~ombuds~~person-customer advocate shall 758
transmit the report to the nominating council. 759

(3) Comply with Chapter 102. and sections 2921.42 and 760
2921.43 of the Revised Code and the nominating council's human 761
resource and ethics policies. 762

(D) No ~~ombuds~~person-customer advocate or assistant 763
~~ombuds~~person-customer advocate shall: 764

(1) Represent a claimant or employer in claims pending 765
before or to be filed with the administrator, a district or 766
staff hearing officer, the commission, or the courts of the 767
state, nor shall an ~~ombuds~~person-a customer advocate or 768
assistant ~~ombuds~~person-customer advocate undertake any such 769
representation for a period of one year after the ~~ombuds~~person's 770
customer advocate's or assistant ~~ombuds~~person's-customer 771
advocate's employment terminates or be eligible for employment 772
by the bureau or the commission or as a district or staff 773
hearing officer for one year; 774

(2) Express any opinions as to the merit of a claim or the 775
correctness of a decision by the various officers or agencies as 776
the decision relates to a claim for benefits or compensation. 777

(E) The chief ~~ombuds~~person-customer advocate and assistant 778
~~ombuds~~persons-customer advocates shall receive compensation at a 779
level established by the nominating council commensurate with 780
the individual's background, education, and experience in 781
workers' compensation or related fields. The chief ~~ombuds~~person- 782
customer advocate and assistant ~~ombuds~~persons-customer advocates 783

are full-time permanent employees in the unclassified service of 784
the state and are entitled to all benefits that accrue to such 785
employees, including, without limitation, sick, vacation, and 786
personal leaves. Assistant ~~ombudspersons~~ customer advocates 787
serve at the pleasure of the chief ~~ombudsperson~~ customer 788
advocate. 789

(F) In the event of a vacancy in the position of chief 790
~~ombudsperson~~ customer advocate, the nominating council may 791
appoint a person to serve as acting chief ~~ombudsperson~~ customer 792
advocate until a chief ~~ombudsperson~~ customer advocate is 793
appointed. The acting chief ~~ombudsperson~~ customer advocate shall 794
be under the direction and control of the nominating council and 795
may be removed by the nominating council with or without just 796
cause. 797

Sec. 4123.44. The members of the bureau of workers' 798
compensation board of directors, the administrator of workers' 799
compensation, and the bureau of workers' compensation chief 800
investment officer are ~~the trustees of~~ fiduciaries to the state 801
insurance fund. The administrator, in accordance with sections 802
4121.126 and 4121.127 of the Revised Code and the investment 803
policy approved by the board pursuant to section 4121.12 of the 804
Revised Code, and in consultation with the bureau of workers' 805
compensation chief investment officer, may invest any of the 806
surplus or reserve belonging to the state insurance fund. The 807
administrator and the bureau of workers' compensation chief 808
investment officer shall not deviate from the investment policy 809
approved by the board without the approval of the workers' 810
compensation investment committee and the board. 811

The administrator shall not invest in any type of 812
investment specified in divisions (B) (1) to (10) of section 813

4123.442 of the Revised Code. The administrator shall not make 814
an investment decision with the primary purpose of influencing 815
any social or environmental policy or attempting to influence 816
the governance of any corporation. 817

The administrator and other fiduciaries shall discharge 818
their duties with respect to the funds with the care, skill, 819
prudence, and diligence under the circumstances then prevailing 820
that a prudent person acting in a like capacity and familiar 821
with such matters would use in the conduct of an enterprise of a 822
like character and with like aims, and by diversifying the 823
investments of the assets of the funds so as to minimize the 824
risk of large losses, unless under the circumstances it is 825
clearly prudent not to do so. 826

The administrator and other fiduciaries, in accordance 827
with their fiduciary duties described under this section, shall 828
make investment decisions with the sole purpose of maximizing 829
the return on investments and that are consistent with any other 830
fiduciary responsibilities of the administrator and other 831
fiduciaries under this chapter and Chapters 4121., 4127., and 832
4131. of the Revised Code. 833

To facilitate investment of the funds, the administrator 834
may establish a partnership, trust, limited liability company, 835
corporation, including a corporation exempt from taxation under 836
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 837
amended, or any other legal entity authorized to transact 838
business in this state. 839

When reporting on the performance of investments, the 840
administrator shall comply with the performance presentation 841
standards established by the association for investment 842
management and research. 843

All investments shall be purchased at current market 844
prices and the evidences of title to the investments shall be 845
placed in the custody of the treasurer of state, who is hereby 846
designated as custodian, or in the custody of the treasurer of 847
state's authorized agent. Evidences of title of the investments 848
so purchased may be deposited by the treasurer of state for 849
safekeeping with an authorized agent selected by the treasurer 850
of state who is a qualified trustee under section 135.18 of the 851
Revised Code. The treasurer of state or the agent shall collect 852
the principal, dividends, distributions, and interest as they 853
become due and payable and place them when collected into the 854
state insurance fund. 855

The treasurer of state shall pay for investments purchased 856
by the administrator on receipt of written or electronic 857
instructions from the administrator or the administrator's 858
designated agent authorizing the purchase, and pending receipt 859
of the evidence of title of the investment by the treasurer of 860
state or the treasurer of state's authorized agent. The 861
administrator may sell investments held by the administrator, 862
and the treasurer of state or the treasurer of state's 863
authorized agent shall accept payment from the purchaser and 864
deliver evidence of title of the investment to the purchaser, on 865
receipt of written or electronic instructions from the 866
administrator or the administrator's designated agent 867
authorizing the sale, and pending receipt of the moneys for the 868
investments. The amount received shall be placed in the state 869
insurance fund. The administrator and the treasurer of state may 870
enter into agreements to establish procedures for the purchase 871
and sale of investments under this division and the custody of 872
the investments. 873

No purchase or sale of any investment shall be made under 874

this section, except as authorized by the administrator. 875

Any statement of financial position distributed by the 876
administrator shall include the fair value, as of the statement 877
date, of all investments held by the administrator under this 878
section. 879

When in the judgment of the administrator it is necessary 880
to provide available funds for the payment of compensation or 881
benefits under this chapter, the administrator may borrow money 882
from any available source and pledge as security a sufficient 883
amount of bonds or other securities in which the state insurance 884
fund is invested. The aggregate unpaid amount of loans existing 885
at any one time for money so borrowed shall not exceed ten 886
million dollars. The bonds or other securities so pledged as 887
security for such loans to the administrator shall be the sole 888
security for the payment of the principal and interest of any 889
such loan. The administrator shall not be personally liable for 890
the payment of the principal or the interest of any such loan. 891
No such loan shall be made for a longer period of time than one 892
year. Such loans may be renewed but no one renewal shall be for 893
a period in excess of one year. Such loans shall bear such rate 894
of interest as the administrator determines and in negotiating 895
the loans, the administrator shall endeavor to secure as 896
favorable interest rates and terms as circumstances will permit. 897

The treasurer of state may deliver to the person or 898
governmental agency making such loan, the bonds or other 899
securities which are to be pledged by the administrator as 900
security for such loan, upon receipt by the treasurer of state 901
of an order of the administrator authorizing such loan. Upon 902
payment of any such loan by the administrator, the bonds or 903
other securities pledged as security therefor shall be returned 904

to the treasurer of state as custodian of such bonds. 905

The administrator may pledge with the treasurer of state 906
such amount of bonds or other securities in which the state 907
insurance fund is invested as is reasonably necessary as 908
security for any certificates issued, or paid out, by the 909
treasurer of state upon any warrants drawn by the administrator. 910

The administrator may secure investment information 911
services, consulting services, and other like services to 912
facilitate investment of the surplus and reserve belonging to 913
the state insurance fund. The administrator shall pay the 914
expense of securing such services from the state insurance fund. 915

The board and administrator shall not take any action to 916
promote a policy under which the administrator makes investment 917
decisions with the primary purpose of influencing any social or 918
environmental policy or attempting to influence the governance 919
of any corporation. 920

Sec. 4123.52. (A) The jurisdiction of the industrial 921
commission and the authority of the administrator of workers' 922
compensation over each case is continuing, and the commission 923
may make such modification or change with respect to former 924
findings or orders with respect thereto, as, in its opinion is 925
justified. No modification or change nor any finding or award in 926
respect of any claim shall be made with respect to disability, 927
compensation, dependency, or benefits, after five years from the 928
date of injury in the absence of medical benefits being provided 929
under this chapter or in the absence of payment of compensation 930
under section 4123.57, 4123.58, or division (A) or (B) of 931
section 4123.56 of the Revised Code or wages in lieu of 932
compensation in a manner so as to satisfy the requirements of 933
section 4123.84 of the Revised Code, in which event the 934

modification, change, finding, or award shall be made within 935
five years from the date of the last medical services being 936
rendered or the date of the last payment of compensation or from 937
the date of death, nor unless written notice of claim for the 938
specific part or parts of the body injured or disabled has been 939
given as provided in section 4123.84 or 4123.85 of the Revised 940
Code. The commission shall not make any modification, change, 941
finding, or award which shall award compensation for a back 942
period in excess of two years prior to the date of filing 943
application therefor. 944

~~(B)~~(B) (1) As used in this division, "prosthetic device" 945
means a custom fabricated or fitted device used to replace a 946
missing appendage or other external body part. "Prosthetic 947
device" includes an artificial limb, hand, foot, or eye or an 948
intraocular lens. "Prosthetic device" does not include a dental 949
appliance, eyeglasses, hearing aid, ostomy product, or any other 950
item that does not have a significant impact on the 951
musculoskeletal functions of the body such as breast prostheses, 952
eyelashes, wigs, and other cosmetic devices. 953

(2) Notwithstanding any provision to the contrary in 954
division (A) of this section, the commission or administrator 955
may, regardless of the date of injury or the last payment of 956
compensation or benefits, order payment to purchase, repair, or 957
replace a prosthetic device if the purchase, repair, or 958
replacement is necessary due to an amputation or loss that 959
resulted from an allowed injury or occupational disease. 960

(3) Ordering a payment under division (B) (2) of this 961
section does not extend the time period during which the 962
commission or administrator may modify or change a former 963
finding or order in a claim as provided under division (A) of 964

this section. 965

(C) Notwithstanding division (A) of this section, and 966
except as otherwise provided in a rule that shall be adopted by 967
the administrator, with the advice and consent of the bureau of 968
workers' compensation board of directors, neither the 969
administrator nor the commission shall make any finding or award 970
for payment of medical or vocational rehabilitation services 971
submitted for payment more than one year after the date the 972
services were rendered or more than one year after the date the 973
services became payable under division (I) of section 4123.511 974
of the Revised Code, whichever is later. No medical or 975
vocational rehabilitation provider shall bill a claimant for 976
services rendered if the administrator or commission is 977
prohibited from making that payment under this division. 978

~~(C)~~(D) Division ~~(B)~~(C) of this section does not apply to 979
requests made by the centers for medicare and medicaid services 980
in the United States department of health and human services for 981
reimbursement of conditional payments made pursuant to section 982
1395y(b) (2) of title 42, United States Code (commonly known as 983
the "Medicare Secondary Payer Act"). 984

~~(D)~~(E) This section does not affect the right of a 985
claimant to compensation accruing subsequent to the filing of 986
any such application, provided the application is filed within 987
the time limit provided in this section. 988

~~(E)~~(F) This section does not deprive the commission of its 989
continuing jurisdiction to determine the questions raised by any 990
application for modification of award which has been filed with 991
the commission after June 1, 1932, and prior to the expiration 992
of the applicable period but in respect to which no award has 993
been granted or denied during the applicable period. 994

~~(F)~~(G) The commission may, by general rules, provide for 995
the destruction of files of cases in which no further action may 996
be taken. 997

~~(G)~~(H) The commission and administrator of workers' 998
compensation each may, by general rules, provide for the 999
retention and destruction of all other records in their 1000
possession or under their control pursuant to section 121.211 1001
and sections 149.34 to 149.36 of the Revised Code. The bureau of 1002
workers' compensation may purchase or rent required equipment 1003
for the document retention media, as determined necessary to 1004
preserve the records. Photographs, microphotographs, microfilm, 1005
films, or other direct or electronic document retention media, 1006
when properly identified, have the same effect as the original 1007
record and may be offered in like manner and may be received as 1008
evidence in proceedings before the industrial commission, staff 1009
hearing officers, and district hearing officers, and in any 1010
court where the original record could have been introduced. 1011

Sec. 4123.54. (A) Except as otherwise provided in this 1012
division or divisions (I) and (K) of this section, every 1013
employee, who is injured or who contracts an occupational 1014
disease, and the dependents of each employee who is killed, or 1015
dies as the result of an occupational disease contracted in the 1016
course of employment, wherever the injury has occurred or 1017
occupational disease has been contracted, is entitled to receive 1018
the compensation for loss sustained on account of the injury, 1019
occupational disease, or death, and the medical, nurse, and 1020
hospital services and medicines, and the amount of funeral 1021
expenses in case of death, as are provided by this chapter. The 1022
compensation and benefits shall be provided, as applicable, 1023
directly from the employee's self-insuring employer as provided 1024
in section 4123.35 of the Revised Code or from the state 1025

insurance fund. An employee or dependent is not entitled to 1026
receive compensation or benefits under this division if the 1027
employee's injury or occupational disease is either of the 1028
following: 1029

(1) Purposely self-inflicted; 1030

(2) Caused by the employee being intoxicated, under the 1031
influence of a controlled substance not prescribed by a 1032
physician, certified nurse-midwife, clinical nurse specialist, 1033
or certified nurse practitioner, or under the influence of 1034
marihuana if being intoxicated, under the influence of a 1035
controlled substance not prescribed by a physician, certified 1036
nurse-midwife, clinical nurse specialist, or certified nurse 1037
practitioner, or under the influence of marihuana was the 1038
proximate cause of the injury. 1039

(B) For the purpose of this section, provided that an 1040
employer has posted written notice to employees that the results 1041
of, or the employee's refusal to submit to, any chemical test 1042
described under this division may affect the employee's 1043
eligibility for compensation and benefits pursuant to this 1044
chapter and Chapter 4121. of the Revised Code, there is a 1045
rebuttable presumption that an employee is intoxicated, under 1046
the influence of a controlled substance not prescribed by the 1047
employee's physician, certified nurse-midwife, clinical nurse 1048
specialist, or certified nurse practitioner, or under the 1049
influence of marihuana and that being intoxicated, under the 1050
influence of a controlled substance not prescribed by the 1051
employee's physician, certified nurse-midwife, clinical nurse 1052
specialist, or certified nurse practitioner, or under the 1053
influence of marihuana is the proximate cause of an injury under 1054
either of the following conditions: 1055

(1) When any one or more of the following is true: 1056

(a) The employee, through a qualifying chemical test 1057
administered within eight hours of an injury, is determined to 1058
have an alcohol concentration level equal to or in excess of the 1059
levels established in divisions (A) (1) (b) to (i) of section 1060
4511.19 of the Revised Code. 1061

(b) The employee, through a qualifying chemical test 1062
administered within thirty-two hours of an injury, is determined 1063
to have a controlled substance not prescribed by the employee's 1064
physician, certified nurse-midwife, clinical nurse specialist, 1065
or certified nurse practitioner or marihuana in the employee's 1066
system at a level equal to or in excess of the cutoff 1067
concentration level for the particular substance as provided in 1068
section ~~40.87~~ 40.85 of Title 49 of the Code of Federal 1069
Regulations, 49 C.F.R. ~~40.87~~ 40.85, as ~~amended~~ it existed on 1070
January 1, 2024, or as subsequently amended as a result of a 1071
statute or rule. 1072

(c) The employee, through a qualifying chemical test 1073
administered within thirty-two hours of an injury, is determined 1074
to have barbiturates, benzodiazepines, or methadone in the 1075
employee's system that tests above levels established by 1076
laboratories certified by the United States department of health 1077
and human services. 1078

(2) When the employee refuses to submit to a requested 1079
chemical test, on the condition that that employee is or was 1080
given notice that the refusal to submit to any chemical test 1081
described in division (B) (1) of this section may affect the 1082
employee's eligibility for compensation and benefits under this 1083
chapter and Chapter 4121. of the Revised Code. 1084

(C) (1) For purposes of division (B) of this section, a 1085
chemical test is a qualifying chemical test if it is 1086
administered to an employee after an injury under at least one 1087
of the following conditions: 1088

(a) When the employee's employer had reasonable cause to 1089
suspect that the employee may be intoxicated, under the 1090
influence of a controlled substance not prescribed by the 1091
employee's physician, certified nurse-midwife, clinical nurse 1092
specialist, or certified nurse practitioner, or under the 1093
influence of marihuana; 1094

(b) At the request of a police officer pursuant to section 1095
4511.191 of the Revised Code, and not at the request of the 1096
employee's employer; 1097

(c) At the request of a licensed physician, certified 1098
nurse-midwife, clinical nurse specialist, or certified nurse 1099
practitioner who is not employed by the employee's employer, and 1100
not at the request of the employee's employer. 1101

(2) As used in division (C) (1) (a) of this section, 1102
"reasonable cause" means, but is not limited to, evidence that 1103
an employee is or was using alcohol, a controlled substance, or 1104
marihuana drawn from specific, objective facts and reasonable 1105
inferences drawn from these facts in light of experience and 1106
training. These facts and inferences may be based on, but are 1107
not limited to, any of the following: 1108

(a) Observable phenomena, such as direct observation of 1109
use, possession, or distribution of alcohol, a controlled 1110
substance, or marihuana, or of the physical symptoms of being 1111
under the influence of alcohol, a controlled substance, or 1112
marihuana, such as but not limited to slurred speech; dilated 1113

pupils; odor of alcohol, a controlled substance, or marihuana; 1114
changes in affect; or dynamic mood swings; 1115

(b) A pattern of abnormal conduct, erratic or aberrant 1116
behavior, or deteriorating work performance such as frequent 1117
absenteeism, excessive tardiness, or recurrent accidents, that 1118
appears to be related to the use of alcohol, a controlled 1119
substance, or marihuana, and does not appear to be attributable 1120
to other factors; 1121

(c) The identification of an employee as the focus of a 1122
criminal investigation into unauthorized possession, use, or 1123
trafficking of a controlled substance or marihuana; 1124

(d) A report of use of alcohol, a controlled substance, or 1125
marihuana provided by a reliable and credible source; 1126

(e) Repeated or flagrant violations of the safety or work 1127
rules of the employee's employer, that are determined by the 1128
employee's supervisor to pose a substantial risk of physical 1129
injury or property damage and that appear to be related to the 1130
use of alcohol, a controlled substance, or marihuana and that do 1131
not appear attributable to other factors. 1132

(D) Nothing in this section shall be construed to affect 1133
the rights of an employer to test employees for alcohol or 1134
controlled substance abuse. 1135

(E) For the purpose of this section, laboratories 1136
certified by the United States department of health and human 1137
services or laboratories that meet or exceed the standards of 1138
that department for laboratory certification shall be used for 1139
processing the test results of a qualifying chemical test. 1140

(F) The written notice required by division (B) of this 1141
section shall be the same size or larger than the proof of 1142

workers' compensation coverage furnished by the bureau of 1143
workers' compensation and shall be posted by the employer in the 1144
same location as the proof of workers' compensation coverage or 1145
the certificate of self-insurance. 1146

(G) If a condition that pre-existed an injury is 1147
substantially aggravated by the injury, and that substantial 1148
aggravation is documented by objective diagnostic findings, 1149
objective clinical findings, or objective test results, no 1150
compensation or benefits are payable because of the pre-existing 1151
condition once that condition has returned to a level that would 1152
have existed without the injury. 1153

(H) (1) Whenever, with respect to an employee of an 1154
employer who is subject to and has complied with this chapter, 1155
there is possibility of conflict with respect to the application 1156
of workers' compensation laws because the contract of employment 1157
is entered into and all or some portion of the work is or is to 1158
be performed in a state or states other than Ohio, the employer 1159
and the employee may agree to be bound by the laws of this state 1160
or by the laws of some other state in which all or some portion 1161
of the work of the employee is to be performed. The agreement 1162
shall be in writing and shall be filed with the bureau of 1163
workers' compensation within ten days after it is executed and 1164
shall remain in force until terminated or modified by agreement 1165
of the parties similarly filed. If the agreement is to be bound 1166
by the laws of this state and the employer has complied with 1167
this chapter, then the employee is entitled to compensation and 1168
benefits regardless of where the injury occurs or the disease is 1169
contracted and the rights of the employee and the employee's 1170
dependents under the laws of this state are the exclusive remedy 1171
against the employer on account of injury, disease, or death in 1172
the course of and arising out of the employee's employment. If 1173

the agreement is to be bound by the laws of another state and 1174
the employer has complied with the laws of that state, the 1175
rights of the employee and the employee's dependents under the 1176
laws of that state are the exclusive remedy against the employer 1177
on account of injury, disease, or death in the course of and 1178
arising out of the employee's employment without regard to the 1179
place where the injury was sustained or the disease contracted. 1180
If an employer and an employee enter into an agreement under 1181
this division, the fact that the employer and the employee 1182
entered into that agreement shall not be construed to change the 1183
status of an employee whose continued employment is subject to 1184
the will of the employer or the employee, unless the agreement 1185
contains a provision that expressly changes that status. 1186

(2) If an employee or the employee's dependents receive an 1187
award of compensation or benefits under this chapter or Chapter 1188
4121., 4127., or 4131. of the Revised Code for the same injury, 1189
occupational disease, or death for which the employee or the 1190
employee's dependents previously pursued or otherwise elected to 1191
accept workers' compensation benefits and received a decision on 1192
the merits as defined in section 4123.542 of the Revised Code 1193
under the laws of another state or recovered damages under the 1194
laws of another state, the claim shall be disallowed and the 1195
administrator or any self-insuring employer, by any lawful 1196
means, may collect from the employee or the employee's 1197
dependents any of the following: 1198

(a) The amount of compensation or benefits paid to or on 1199
behalf of the employee or the employee's dependents by the 1200
administrator or a self-insuring employer pursuant to this 1201
chapter or Chapter 4121., 4127., or 4131. of the Revised Code 1202
for that award; 1203

(b) Any interest, attorney's fees, and costs the 1204
administrator or the self-insuring employer incurs in collecting 1205
that payment. 1206

(3) If an employee or the employee's dependents receive an 1207
award of compensation or benefits under this chapter or Chapter 1208
4121., 4127., or 4131. of the Revised Code and subsequently 1209
pursue or otherwise elect to accept workers' compensation 1210
benefits or damages under the laws of another state for the same 1211
injury, occupational disease, or death the claim under this 1212
chapter or Chapter 4121., 4127., or 4131. of the Revised Code 1213
shall be disallowed. The administrator or a self-insuring 1214
employer, by any lawful means, may collect from the employee or 1215
the employee's dependents or other-states' insurer any of the 1216
following: 1217

(a) The amount of compensation or benefits paid to or on 1218
behalf of the employee or the employee's dependents by the 1219
administrator or the self-insuring employer pursuant to this 1220
chapter or Chapter 4121., 4127., or 4131. of the Revised Code 1221
for that award; 1222

(b) Any interest, costs, and attorney's fees the 1223
administrator or the self-insuring employer incurs in collecting 1224
that payment; 1225

(c) Any costs incurred by an employer in contesting or 1226
responding to any claim filed by the employee or the employee's 1227
dependents for the same injury, occupational disease, or death 1228
that was filed after the original claim for which the employee 1229
or the employee's dependents received a decision on the merits 1230
as described in section 4123.542 of the Revised Code. 1231

(4) If the employee's employer pays premiums into the 1232

state insurance fund, the administrator shall not charge the 1233
amount of compensation or benefits the administrator collects 1234
pursuant to division (H) (2) or (3) of this section to the 1235
employer's experience. If the administrator collects any costs 1236
incurred by an employer in contesting or responding to any claim 1237
pursuant to division (H) (2) or (3) of this section, the 1238
administrator shall forward the amount collected to that 1239
employer. If the employee's employer is a self-insuring 1240
employer, the self-insuring employer shall deduct the amount of 1241
compensation or benefits the self-insuring employer collects 1242
pursuant to this division from the paid compensation the self- 1243
insuring employer reports to the administrator under division 1244
(L) of section 4123.35 of the Revised Code. 1245

(5) If an employee is a resident of a state other than 1246
this state and is insured under the workers' compensation law or 1247
similar laws of a state other than this state, the employee and 1248
the employee's dependents are not entitled to receive 1249
compensation or benefits under this chapter, on account of 1250
injury, disease, or death arising out of or in the course of 1251
employment while temporarily within this state, and the rights 1252
of the employee and the employee's dependents under the laws of 1253
the other state are the exclusive remedy against the employer on 1254
account of the injury, disease, or death. 1255

(6) An employee, or the dependent of an employee, who 1256
elects to receive compensation and benefits under this chapter 1257
or Chapter 4121., 4127., or 4131. of the Revised Code for a 1258
claim may not receive compensation and benefits under the 1259
workers' compensation laws of any state other than this state 1260
for that same claim. For each claim submitted by or on behalf of 1261
an employee, the administrator or, if the employee is employed 1262
by a self-insuring employer, the self-insuring employer, shall 1263

request the employee or the employee's dependent to sign an 1264
election that affirms the employee's or employee's dependent's 1265
acceptance of electing to receive compensation and benefits 1266
under this chapter or Chapter 4121., 4127., or 4131. of the 1267
Revised Code for that claim that also affirmatively waives and 1268
releases the employee's or the employee's dependent's right to 1269
file for and receive compensation and benefits under the laws of 1270
any state other than this state for that claim. The employee or 1271
employee's dependent shall sign the election form within twenty- 1272
eight days after the administrator or self-insuring employer 1273
submits the request or the administrator or self-insuring 1274
employer shall dismiss that claim. 1275

In the event a workers' compensation claim has been filed 1276
in another jurisdiction on behalf of an employee or the 1277
dependents of an employee, and the employee or dependents 1278
subsequently elect to receive compensation, benefits, or both 1279
under this chapter or Chapter 4121., 4127., or 4131. of the 1280
Revised Code, the employee or dependent shall withdraw or refuse 1281
acceptance of the workers' compensation claim filed in the other 1282
jurisdiction in order to pursue compensation or benefits under 1283
the laws of this state. If the employee or dependents were 1284
awarded workers' compensation benefits or had recovered damages 1285
under the laws of the other state, any compensation and benefits 1286
awarded under this chapter or Chapter 4121., 4127., or 4131. of 1287
the Revised Code shall be paid only to the extent to which those 1288
payments exceed the amounts paid under the laws of the other 1289
state. If the employee or dependent fails to withdraw or to 1290
refuse acceptance of the workers' compensation claim in the 1291
other jurisdiction within twenty-eight days after a request made 1292
by the administrator or a self-insuring employer, the 1293
administrator or self-insuring employer shall dismiss the 1294

employee's or employee's dependents' claim made in this state. 1295

(I) If an employee who is covered under the federal 1296
"Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 1297
33 U.S.C. 901 et seq., is injured or contracts an occupational 1298
disease or dies as a result of an injury or occupational 1299
disease, and if that employee's or that employee's dependents' 1300
claim for compensation or benefits for that injury, occupational 1301
disease, or death is subject to the jurisdiction of that act, 1302
the employee or the employee's dependents are not entitled to 1303
apply for and shall not receive compensation or benefits under 1304
this chapter and Chapter 4121. of the Revised Code. The rights 1305
of such an employee and the employee's dependents under the 1306
federal "Longshore and Harbor Workers' Compensation Act," 98 1307
Stat. 1639, 33 U.S.C. 901 et seq., are the exclusive remedy 1308
against the employer for that injury, occupational disease, or 1309
death. 1310

(J) Compensation or benefits are not payable to a claimant 1311
or a dependent during the period of confinement of the claimant 1312
or dependent in any state or federal correctional institution, 1313
or in any county jail in lieu of incarceration in a state or 1314
federal correctional institution, whether in this or any other 1315
state for conviction of violation of any state or federal 1316
criminal law. 1317

(K) An employer, upon the approval of the administrator, 1318
may provide for workers' compensation coverage for the 1319
employer's employees who are professional athletes and coaches 1320
by submitting to the administrator proof of coverage under a 1321
league policy issued under the laws of another state under 1322
either of the following circumstances: 1323

(1) The employer administers the payroll and workers' 1324

compensation insurance for a professional sports team subject to 1325
a collective bargaining agreement, and the collective bargaining 1326
agreement provides for the uniform administration of workers' 1327
compensation benefits and compensation for professional 1328
athletes. 1329

(2) The employer is a professional sports league, or is a 1330
member team of a professional sports league, and all of the 1331
following apply: 1332

(a) The professional sports league operates as a single 1333
entity, whereby all of the players and coaches of the sports 1334
league are employees of the sports league and not of the 1335
individual member teams. 1336

(b) The professional sports league at all times maintains 1337
workers' compensation insurance that provides coverage for the 1338
players and coaches of the sports league. 1339

(c) Each individual member team of the professional sports 1340
league, pursuant to the organizational or operating documents of 1341
the sports league, is obligated to the sports league to pay to 1342
the sports league any workers' compensation claims that are not 1343
covered by the workers' compensation insurance maintained by the 1344
sports league. 1345

If the administrator approves the employer's proof of 1346
coverage submitted under division (K) of this section, a 1347
professional athlete or coach who is an employee of the employer 1348
and the dependents of the professional athlete or coach are not 1349
entitled to apply for and shall not receive compensation or 1350
benefits under this chapter and Chapter 4121. of the Revised 1351
Code. The rights of such an athlete or coach and the dependents 1352
of such an athlete or coach under the laws of the state where 1353

the policy was issued are the exclusive remedy against the 1354
employer for the athlete or coach if the athlete or coach 1355
suffers an injury or contracts an occupational disease in the 1356
course of employment, or for the dependents of the athlete or 1357
the coach if the athlete or coach is killed as a result of an 1358
injury or dies as a result of an occupational disease, 1359
regardless of the location where the injury was suffered or the 1360
occupational disease was contracted. 1361

Sec. 4123.57. Partial disability compensation shall be 1362
paid as follows. 1363

Except as provided in this section, not earlier than 1364
twenty-six weeks after the date of termination of the latest 1365
period of payments under section 4123.56 of the Revised Code or 1366
twenty-six weeks after the termination of wages in lieu of those 1367
payments, or not earlier than twenty-six weeks after the date of 1368
the injury or contraction of an occupational disease in the 1369
absence of payments under section 4123.56 of the Revised Code or 1370
wages in lieu of those payments, the employee may file an 1371
application with the bureau of workers' compensation for the 1372
determination of the percentage of the employee's permanent 1373
partial disability resulting from an injury or occupational 1374
disease. 1375

Whenever the application is filed, the bureau shall send a 1376
copy of the application to the employee's employer or the 1377
employer's representative and shall schedule the employee for a 1378
medical examination by the bureau medical section. The bureau 1379
shall send a copy of the report of the medical examination to 1380
the employee, the employer, and their representatives. 1381
Thereafter, the administrator of workers' compensation shall 1382
review the employee's claim file and make a tentative order as 1383

the evidence before the administrator at the time of the making 1384
of the order warrants. If the administrator determines that 1385
there is a conflict of evidence, the administrator shall send 1386
the application, along with the claimant's file, to the district 1387
hearing officer who shall set the application for a hearing. 1388

If an employee fails to respond to an attempt to schedule 1389
a medical examination by the bureau medical section, or fails to 1390
attend a medical examination scheduled under this section 1391
without notice or explanation, the employee's application for a 1392
finding shall be dismissed without prejudice. The employee may 1393
refile the application. A dismissed application does not toll 1394
the continuing jurisdiction of the industrial commission under 1395
section 4123.52 of the Revised Code. The administrator shall 1396
adopt rules addressing the manner in which an employee will be 1397
notified of a possible dismissal and how an employee may refile 1398
an application for a determination. 1399

The administrator shall notify the employee, the employer, 1400
and their representatives, in writing, of the tentative order 1401
and of the parties' right to request a hearing. Unless the 1402
employee, the employer, or their representative notifies the 1403
administrator, in writing, of an objection to the tentative 1404
order within twenty days after receipt of the notice thereof, 1405
the tentative order shall go into effect and the employee shall 1406
receive the compensation provided in the order. In no event 1407
shall there be a reconsideration of a tentative order issued 1408
under this division. 1409

If the employee, the employer, or their representatives 1410
timely notify the administrator of an objection to the tentative 1411
order, the matter shall be referred to a district hearing 1412
officer who shall set the application for hearing with written 1413

notices to all interested persons. Upon referral to a district hearing officer, the employer may obtain a medical examination of the employee, pursuant to rules of the industrial commission.

(A) The district hearing officer, upon the application, shall determine the percentage of the employee's permanent disability, except as is subject to division (B) of this section, based upon that condition of the employee resulting from the injury or occupational disease and causing permanent impairment evidenced by medical or clinical findings reasonably demonstrable. The employee shall receive sixty-six and two-thirds per cent of the employee's average weekly wage, but not more than a maximum of thirty-three and one-third per cent of the statewide average weekly wage as defined in division (C) of section 4123.62 of the Revised Code, per week regardless of the average weekly wage, for the number of weeks which equals the percentage of two hundred weeks. Except on application for reconsideration, review, or modification, which is filed within ten days after the date of receipt of the decision of the district hearing officer, in no instance shall the former award be modified unless it is found from medical or clinical findings that the condition of the claimant resulting from the injury has so progressed as to have increased the percentage of permanent partial disability. A staff hearing officer shall hear an application for reconsideration filed and the staff hearing officer's decision is final. An employee may file an application for a subsequent determination of the percentage of the employee's permanent disability. If such an application is filed, the bureau shall send a copy of the application to the employer or the employer's representative. No sooner than sixty days from the date of the mailing of the application to the employer or the employer's representative, the administrator

shall review the application. The administrator may require a 1445
medical examination or medical review of the employee. The 1446
administrator shall issue a tentative order based upon the 1447
evidence before the administrator, provided that if the 1448
administrator requires a medical examination or medical review, 1449
the administrator shall not issue the tentative order until the 1450
completion of the examination or review. 1451

The employer may obtain a medical examination of the 1452
employee and may submit medical evidence at any stage of the 1453
process up to a hearing before the district hearing officer, 1454
pursuant to rules of the commission. The administrator shall 1455
notify the employee, the employer, and their representatives, in 1456
writing, of the nature and amount of any tentative order issued 1457
on an application requesting a subsequent determination of the 1458
percentage of an employee's permanent disability. An employee, 1459
employer, or their representatives may object to the tentative 1460
order within twenty days after the receipt of the notice 1461
thereof. If no timely objection is made, the tentative order 1462
shall go into effect. In no event shall there be a 1463
reconsideration of a tentative order issued under this division. 1464
If an objection is timely made, the application for a subsequent 1465
determination shall be referred to a district hearing officer 1466
who shall set the application for a hearing with written notice 1467
to all interested persons. No application for subsequent 1468
percentage determinations on the same claim for injury or 1469
occupational disease shall be accepted for review by the 1470
district hearing officer unless supported by substantial 1471
evidence of new and changed circumstances developing since the 1472
time of the hearing on the original or last determination. 1473

No award shall be made under this division based upon a 1474
percentage of disability which, when taken with all other 1475

percentages of permanent disability, exceeds one hundred per 1476
cent. If the percentage of the permanent disability of the 1477
employee equals or exceeds ninety per cent, compensation for 1478
permanent partial disability shall be paid for two hundred 1479
weeks. 1480

Compensation payable under this division accrues and is 1481
payable to the employee from the date of last payment of 1482
compensation, or, in cases where no previous compensation has 1483
been paid, from the date of the injury or the date of the 1484
diagnosis of the occupational disease. 1485

When an award under this division has been made prior to 1486
the death of an employee, all unpaid installments accrued or to 1487
accrue under the provisions of the award are payable to the 1488
surviving spouse, or if there is no surviving spouse, to the 1489
dependent children of the employee, and if there are no children 1490
surviving, then to other dependents as the administrator 1491
determines. 1492

(B) For purposes of this division, "payable per week" 1493
means the seven-consecutive-day period in which compensation is 1494
paid in installments according to the schedule associated with 1495
the applicable injury as set forth in this division. 1496

Compensation paid in weekly installments according to the 1497
schedule described in this division may only be commuted to one 1498
or more lump sum payments pursuant to the procedure set forth in 1499
section 4123.64 of the Revised Code. 1500

In cases included in the following schedule the 1501
compensation payable per week to the employee is the statewide 1502
average weekly wage as defined in division (C) of section 1503
4123.62 of the Revised Code per week and shall be paid in 1504

installments according to the following schedule:	1505
For the loss of a first finger, commonly known as a thumb, sixty weeks.	1506 1507
For the loss of a second finger, commonly called index finger, thirty-five weeks.	1508 1509
For the loss of a third finger, thirty weeks.	1510
For the loss of a fourth finger, twenty weeks.	1511
For the loss of a fifth finger, commonly known as the littlefinger, fifteen weeks.	1512 1513
The loss of a second, or distal, phalange of the thumb is considered equal to the loss of one half of such thumb; the loss of more than one half of such thumb is considered equal to the loss of the whole thumb.	1514 1515 1516 1517
The loss of the third, or distal, phalange of any finger is considered equal to the loss of one-third of the finger.	1518 1519
The loss of the middle, or second, phalange of any finger is considered equal to the loss of two-thirds of the finger.	1520 1521
The loss of more than the middle and distal phalanges of any finger is considered equal to the loss of the whole finger. In no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.	1522 1523 1524 1525 1526
For the loss of the metacarpal bone (bones of the palm) for the corresponding thumb, or fingers, add ten weeks to the number of weeks under this division.	1527 1528 1529
For ankylosis (total stiffness of) or contractures (due to scars or injuries) which makes any of the fingers, thumbs, or	1530 1531

parts of either useless, the same number of weeks apply to the 1532
members or parts thereof as given for the loss thereof. 1533

If the claimant has suffered the loss of two or more 1534
fingers by amputation or ankylosis and the nature of the 1535
claimant's employment in the course of which the claimant was 1536
working at the time of the injury or occupational disease is 1537
such that the impairment or disability resulting from the loss 1538
of fingers, or loss of use of fingers, exceeds the normal 1539
impairment or disability resulting from the loss of fingers, or 1540
loss of use of fingers, the administrator may take that fact 1541
into consideration and increase the award of compensation 1542
accordingly, but the award made shall not exceed the amount of 1543
compensation for loss of a hand. 1544

For the loss of a hand, one hundred seventy-five weeks. 1545

For the loss of an arm, two hundred twenty-five weeks. 1546

For the loss of a great toe, thirty weeks. 1547

For the loss of one of the toes other than the great toe, 1548
ten weeks. 1549

The loss of more than two-thirds of any toe is considered 1550
equal to the loss of the whole toe. 1551

The loss of less than two-thirds of any toe is considered 1552
no loss, except as to the great toe; the loss of the great toe 1553
up to the interphalangeal joint is co-equal to the loss of one- 1554
half of the great toe; the loss of the great toe beyond the 1555
interphalangeal joint is considered equal to the loss of the 1556
whole great toe. 1557

For the loss of a foot, one hundred fifty weeks. 1558

For the loss of a leg, two hundred weeks. 1559

For the loss of the sight of an eye, one hundred twenty- 1560
five weeks. 1561

For the permanent partial loss of sight of an eye, the 1562
portion of one hundred twenty-five weeks as the administrator in 1563
each case determines, based upon the percentage of vision 1564
actually lost as a result of the injury or occupational disease, 1565
but, in no case shall an award of compensation be made for less 1566
than twenty-five per cent loss of uncorrected vision. "Loss of 1567
uncorrected vision" means the percentage of vision actually lost 1568
as the result of the injury or occupational disease. 1569

For the permanent and total loss of hearing of one ear, 1570
twenty-five weeks; but in no case shall an award of compensation 1571
be made for less than permanent and total loss of hearing of one 1572
ear. 1573

For the permanent and total loss of hearing, one hundred 1574
twenty-five weeks; but, except pursuant to the next preceding 1575
paragraph, in no case shall an award of compensation be made for 1576
less than permanent and total loss of hearing. 1577

In case an injury or occupational disease results in 1578
serious facial or head disfigurement which either impairs or may 1579
in the future impair the opportunities to secure or retain 1580
employment, the administrator shall make an award of 1581
compensation as it deems proper and equitable, in view of the 1582
nature of the disfigurement, and not to exceed the sum of ten 1583
thousand dollars. For the purpose of making the award, it is not 1584
material whether the employee is gainfully employed in any 1585
occupation or trade at the time of the administrator's 1586
determination. 1587

When an award under this division has been made prior to 1588

the death of an employee all unpaid installments accrued or to 1589
accrue under the provisions of the award shall be payable to the 1590
surviving spouse, or if there is no surviving spouse, to the 1591
dependent children of the employee and if there are no such 1592
children, then to such dependents as the administrator 1593
determines. 1594

When an employee has sustained the loss of a member by 1595
severance, but no award has been made on account thereof prior 1596
to the employee's death, the administrator shall make an award 1597
in accordance with this division for the loss which shall be 1598
payable to the surviving spouse, or if there is no surviving 1599
spouse, to the dependent children of the employee and if there 1600
are no such children, then to such dependents as the 1601
administrator determines. 1602

(C) Compensation for partial impairment under divisions 1603
(A) and (B) of this section is in addition to the compensation 1604
paid the employee pursuant to section 4123.56 of the Revised 1605
Code. A claimant may receive compensation under divisions (A) 1606
and (B) of this section. 1607

In all cases arising under division (B) of this section, 1608
if it is determined by any one of the following: (1) the amputee 1609
clinic at University hospital, Ohio state university; (2) the 1610
opportunities for Ohioans with disabilities agency; (3) an 1611
amputee clinic or prescribing physician approved by the 1612
administrator or the administrator's designee, that an injured 1613
or disabled employee is in need of an artificial appliance, or 1614
in need of a repair thereof, regardless of whether the appliance 1615
or its repair will be serviceable in the vocational 1616
rehabilitation of the injured employee, and regardless of 1617
whether the employee has returned to or can ever again return to 1618

any gainful employment, the bureau shall pay the cost of the 1619
artificial appliance or its repair out of the surplus created by 1620
division (B) of section 4123.34 of the Revised Code. 1621

Notwithstanding any provision in this division to the 1622
contrary, when a claimant has sustained an amputation or a loss 1623
enumerated in division (B) of this section as a result of an 1624
injury or occupational disease, the administrator shall pay the 1625
cost to purchase, repair, or replace a prosthetic device as 1626
defined in division (B) of section 4123.52 from the surplus fund 1627
account created pursuant to division (B) of section 4123.34 of 1628
the Revised Code, even if no award has been made under division 1629
(B) of this section. 1630

In those cases where an opportunities for Ohioans with 1631
disabilities agency's recommendation that an injured or disabled 1632
employee is in need of an artificial appliance would conflict 1633
with their state plan, adopted pursuant to the "Rehabilitation 1634
Act of 1973," 87 Stat. 355, 29 U.S.C.A. 701, the administrator 1635
or the administrator's designee or the bureau may obtain a 1636
recommendation from an amputee clinic or prescribing physician 1637
that they determine appropriate. 1638

(D) If an employee of a state fund employer makes 1639
application for a finding and the administrator finds that the 1640
employee has contracted silicosis as defined in division (Y), or 1641
coal miners' pneumoconiosis as defined in division (Z), or 1642
asbestosis as defined in division (BB) of section 4123.68 of the 1643
Revised Code, and that a change of such employee's occupation is 1644
medically advisable in order to decrease substantially further 1645
exposure to silica dust, asbestos, or coal dust and if the 1646
employee, after the finding, has changed or shall change the 1647
employee's occupation to an occupation in which the exposure to 1648

silica dust, asbestos, or coal dust is substantially decreased, 1649
the administrator shall allow to the employee an amount equal to 1650
fifty per cent of the statewide average weekly wage per week for 1651
a period of thirty weeks, commencing as of the date of the 1652
discontinuance or change, and for a period of one hundred weeks 1653
immediately following the expiration of the period of thirty 1654
weeks, the employee shall receive sixty-six and two-thirds per 1655
cent of the loss of wages resulting directly and solely from the 1656
change of occupation but not to exceed a maximum of an amount 1657
equal to fifty per cent of the statewide average weekly wage per 1658
week. No such employee is entitled to receive more than one 1659
allowance on account of discontinuance of employment or change 1660
of occupation and benefits shall cease for any period during 1661
which the employee is employed in an occupation in which the 1662
exposure to silica dust, asbestos, or coal dust is not 1663
substantially less than the exposure in the occupation in which 1664
the employee was formerly employed or for any period during 1665
which the employee may be entitled to receive compensation or 1666
benefits under section 4123.68 of the Revised Code on account of 1667
disability from silicosis, asbestosis, or coal miners' 1668
pneumoconiosis. An award for change of occupation for a coal 1669
miner who has contracted coal miners' pneumoconiosis may be 1670
granted under this division even though the coal miner continues 1671
employment with the same employer, so long as the coal miner's 1672
employment subsequent to the change is such that the coal 1673
miner's exposure to coal dust is substantially decreased and a 1674
change of occupation is certified by the claimant as permanent. 1675
The administrator may accord to the employee medical and other 1676
benefits in accordance with section 4123.66 of the Revised Code. 1677

(E) If a firefighter or police officer makes application 1678
for a finding and the administrator finds that the firefighter 1679

or police officer has contracted a cardiovascular and pulmonary 1680
disease as defined in division (W) of section 4123.68 of the 1681
Revised Code, and that a change of the firefighter's or police 1682
officer's occupation is medically advisable in order to decrease 1683
substantially further exposure to smoke, toxic gases, chemical 1684
fumes, and other toxic vapors, and if the firefighter, or police 1685
officer, after the finding, has changed or changes occupation to 1686
an occupation in which the exposure to smoke, toxic gases, 1687
chemical fumes, and other toxic vapors is substantially 1688
decreased, the administrator shall allow to the firefighter or 1689
police officer an amount equal to fifty per cent of the 1690
statewide average weekly wage per week for a period of thirty 1691
weeks, commencing as of the date of the discontinuance or 1692
change, and for a period of seventy-five weeks immediately 1693
following the expiration of the period of thirty weeks the 1694
administrator shall allow the firefighter or police officer 1695
sixty-six and two-thirds per cent of the loss of wages resulting 1696
directly and solely from the change of occupation but not to 1697
exceed a maximum of an amount equal to fifty per cent of the 1698
statewide average weekly wage per week. No such firefighter or 1699
police officer is entitled to receive more than one allowance on 1700
account of discontinuance of employment or change of occupation 1701
and benefits shall cease for any period during which the 1702
firefighter or police officer is employed in an occupation in 1703
which the exposure to smoke, toxic gases, chemical fumes, and 1704
other toxic vapors is not substantially less than the exposure 1705
in the occupation in which the firefighter or police officer was 1706
formerly employed or for any period during which the firefighter 1707
or police officer may be entitled to receive compensation or 1708
benefits under section 4123.68 of the Revised Code on account of 1709
disability from a cardiovascular and pulmonary disease. The 1710
administrator may accord to the firefighter or police officer 1711

medical and other benefits in accordance with section 4123.66 of 1712
the Revised Code. 1713

(F) An order issued under this section is appealable 1714
pursuant to section 4123.511 of the Revised Code but is not 1715
appealable to court under section 4123.512 of the Revised Code. 1716

Sec. 4123.66. (A) In addition to the compensation provided 1717
for in this chapter, the administrator of workers' compensation 1718
shall disburse and pay from the state insurance fund the amounts 1719
for medical, nurse, and hospital services and medicine as the 1720
administrator deems proper and, in case death ensues from the 1721
injury or occupational disease, the administrator shall disburse 1722
and pay from the fund reasonable funeral expenses in an amount 1723
not to exceed seven thousand five hundred dollars. The bureau of 1724
workers' compensation shall reimburse anyone, whether dependent, 1725
volunteer, or otherwise, who pays the funeral expenses of any 1726
employee whose death ensues from any injury or occupational 1727
disease as provided in this section. The administrator may adopt 1728
rules, with the advice and consent of the bureau of workers' 1729
compensation board of directors, with respect to furnishing 1730
medical, nurse, and hospital service and medicine to injured or 1731
disabled employees entitled thereto, and for the payment 1732
therefor. In case an injury or industrial accident that injures 1733
an employee also causes damage to the employee's eyeglasses, 1734
artificial teeth or other denture, or hearing aid, or in the 1735
event an injury or occupational disease makes it necessary or 1736
advisable to replace, repair, or adjust the same, the bureau 1737
shall disburse and pay a reasonable amount to repair or replace 1738
the same. 1739

(B) The administrator, in the rules the administrator 1740
adopts pursuant to division (A) of this section, may adopt rules 1741

specifying the circumstances under which the bureau may make 1742
immediate payment for the first fill of prescription drugs for 1743
medical conditions identified in an application for compensation 1744
or benefits under section 4123.84 or 4123.85 of the Revised Code 1745
that occurs prior to the date the administrator issues an 1746
initial determination order under division (B) of section 1747
4123.511 of the Revised Code. If the claim is ultimately 1748
disallowed in a final administrative or judicial order, and if 1749
the employer is a state fund employer who pays assessments into 1750
the surplus fund account created under section 4123.34 of the 1751
Revised Code, the payments for medical services made pursuant to 1752
this division for the first fill of prescription drugs shall be 1753
charged to and paid from the surplus fund account and not 1754
charged through the state insurance fund to the employer against 1755
whom the claim was filed. 1756

(C) (1) If an employer or a welfare plan has provided to or 1757
on behalf of an employee any benefits or compensation for an 1758
injury or occupational disease and that injury or occupational 1759
disease is determined compensable under this chapter, the 1760
employer or a welfare plan may request that the administrator 1761
reimburse the employer or welfare plan for the amount the 1762
employer or welfare plan paid to or on behalf of the employee in 1763
compensation or benefits. The administrator shall reimburse the 1764
employer or welfare plan for the compensation and benefits paid 1765
if, at the time the employer or welfare plan provides the 1766
benefits or compensation to or on behalf of employee, the injury 1767
or occupational disease had not been determined to be 1768
compensable under this chapter and if the employee was not 1769
receiving compensation or benefits under this chapter for that 1770
injury or occupational disease. The administrator shall 1771
reimburse the employer or welfare plan in the amount that the 1772

administrator would have paid to or on behalf of the employee 1773
under this chapter if the injury or occupational disease 1774
originally would have been determined compensable under this 1775
chapter. If the employer is a merit-rated employer, the 1776
administrator shall adjust the amount of premium next due from 1777
the employer according to the amount the administrator pays the 1778
employer. The administrator shall adopt rules, in accordance 1779
with Chapter 119. of the Revised Code, to implement this 1780
division. 1781

(2) As used in this division, "welfare plan" has the same 1782
meaning as in division (1) of 29 U.S.C.A. 1002. 1783

(D) (1) Subject to the requirements of division (D) (2) of 1784
this section, the administrator may make a payment of up to five 1785
hundred dollars to either of the following: 1786

(a) The centers of medicare and medicaid services, for 1787
reimbursement of conditional payments made pursuant to the 1788
"Medicare Secondary Payer Act," 42 U.S.C. 1395y; 1789

(b) The Ohio department of medicaid, or a medical 1790
assistance provider to whom the department has assigned a right 1791
of recovery for a claim for which the department has notified 1792
the provider that the department intends to recoup the 1793
department's prior payment for the claim, for reimbursement 1794
under sections 5160.35 to 5160.43 of the Revised Code for the 1795
cost of medical assistance paid on behalf of a medical 1796
assistance recipient. 1797

(2) The administrator may make a payment under division 1798
(D) (1) of this section if the administrator makes a reasonable 1799
determination that ~~both~~ all of the following apply: 1800

(a) The payment is ~~for reimbursement of benefits for an~~ 1801

injury or occupational disease in response to a request from a party listed in division (D) (1) of this section. 1802
1803

(b) ~~The~~ There is an injury or occupational disease that is compensable, or is likely to be compensable, under this chapter or Chapter 4121., 4127., or 4131. of the Revised Code. 1804
1805
1806

(c) The payment will resolve the request from a party listed in division (D) (1) of this section. 1807
1808

(3) Any payment made pursuant to this division shall be charged to and paid from the surplus fund account created under section 4123.34 of the Revised Code. 1809
1810
1811

(4) Nothing in this division shall be construed as limiting the centers of medicare and medicaid services, the department, or any other entity with a lawful right to reimbursement from recovering sums greater than five hundred dollars. 1812
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(5) The administrator may adopt rules, with the advice and consent of the bureau of workers' compensation board of directors, to implement this division. 1817
1818
1819

Sec. 4125.07. (A) As used in this section, "self-insuring employer" has the same meaning as in section 4123.01 of the Revised Code. 1820
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1822

(B) Not later than thirty calendar days after the date on which a professional employer organization agreement is terminated, the professional employer organization is adjudged bankrupt, the professional employer organization ceases operations within the state of Ohio, or the registration of the professional employer organization is revoked, the professional employer organization shall submit to the administrator of workers' compensation and each client employer associated with 1823
1824
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1830

that professional employer organization a completed workers' 1831
compensation lease termination notice form provided by the 1832
administrator. ~~The~~ If a professional employer organization is 1833
not a self-insuring employer, the completed form shall include 1834
all client payroll and claim information listed in a format 1835
specified by the administrator and notice of all workers' 1836
compensation claims that have been reported to the professional 1837
employer organization in accordance with its internal reporting 1838
policies. 1839

~~(C) (1) If a professional employer organization that is a 1840
self-insuring employer is required to submit a workers' 1841
compensation lease termination notice form under division (B) of 1842
this section, not later than thirty calendar days after the 1843
lease termination the professional employer organization shall 1844
submit all of the following to the administrator for any years 1845
necessary for the administrator to develop a state fund 1846
experience modification factor for each client employer involved 1847
in the lease termination:~~ 1848

~~(a) The payroll of each client employer involved in the 1849
lease termination, organized by manual classification and year;~~ 1850

~~(b) The medical and indemnity costs of each client 1851
employer involved in the lease termination, organized by claim;~~ 1852

~~(c) Any other information the administrator may require to 1853
develop a state fund experience modification factor for each 1854
client employer involved in the lease termination.~~ 1855

~~(2) The administrator may require a professional employer 1856
organization to submit the information required under division 1857
(C) (1) of this section at additional times after the initial 1858
submission if the administrator determines that the information 1859~~

~~is necessary for the administrator to develop a state fund- 1860
experience modification factor. 1861~~

~~(3) The administrator may revoke or refuse to renew a 1862
professional employer organization's status as a self-insuring 1863
employer if the professional employer organization fails to 1864
provide information requested by the administrator under 1865
division (C) (1) or (2) of this section. 1866~~

~~(D) The administrator shall use the information provided 1867
under division (C) of this section to develop a state fund- 1868
experience modification factor for each client employer involved 1869
in a lease termination with a professional employer organization 1870
that is a self-insuring employer. 1871~~

~~(E) (C) A professional employer organization shall report 1872
any transfer of employees between related professional employer 1873
organization entities or professional employer organization 1874
reporting entities to the administrator within fourteen calendar 1875
days after the date of the transfer on a form prescribed by the 1876
administrator. The If the professional employer organization is 1877
not a self-insuring employer, the professional employer 1878
organization or professional employer organization reporting 1879
entity shall include in the form all client payroll and claim 1880
information regarding the transferred employees listed in a 1881
format specified by the administrator and a notice of all 1882
workers' compensation claims that have been reported to the 1883
professional employer organization or professional employer 1884
organization reporting entity in accordance with the internal 1885
reporting policies of the professional employer organization or 1886
professional employer organization reporting entity. 1887~~

~~(F) Prior to entering into a professional employer- 1888
organization agreement with a client employer, a professional- 1889~~

~~employer organization shall disclose in writing to the client- 1890
employer the reporting requirements that apply to the- 1891
professional employer organization under division (C) of this- 1892
section and that the administrator must develop a state fund- 1893
experience modification factor for each client employer involved 1894
in a lease termination with a professional employer organization 1895
that is a self-insuring employer. 1896~~

Sec. 4133.10. (A) As used in this section, "self-insuring 1897
employer" has the same meaning as in section 4123.01 of the 1898
Revised Code. 1899

(B) Not later than thirty calendar days after the date on 1900
which an alternate employer organization agreement is 1901
terminated, the alternate employer organization is adjudged 1902
bankrupt, the alternate employer organization ceases operations 1903
within the state of Ohio, or the registration of the alternate 1904
employer organization is revoked, the alternate employer 1905
organization shall submit to the administrator of workers' 1906
compensation and each client employer associated with that 1907
alternate employer organization a completed workers' 1908
compensation lease termination notice form provided by the 1909
administrator. The If an alternate employer organization is not 1910
a self-insuring employer, the completed form shall include all 1911
client payroll and claim information listed in a format 1912
specified by the administrator and notice of all workers' 1913
compensation claims that have been reported to the alternate 1914
employer organization in accordance with its internal reporting 1915
policies. 1916

~~(C) (1) If a alternate employer organization that is a- 1917
self-insuring employer is required to submit a workers' 1918
compensation lease termination notice form under division (B) of 1919~~

~~this section, not later than thirty calendar days after the~~ 1920
~~lease termination the alternate employer organization shall~~ 1921
~~submit all of the following to the administrator for any years~~ 1922
~~necessary for the administrator to develop a state fund~~ 1923
~~experience modification factor for each client employer involved~~ 1924
~~in the lease termination:~~ 1925

~~(a) The payroll of each client employer involved in the~~ 1926
~~lease termination, organized by manual classification and year;~~ 1927

~~(b) The medical and indemnity costs of each client~~ 1928
~~employer involved in the lease termination, organized by claim;~~ 1929

~~(c) Any other information the administrator may require to~~ 1930
~~develop a state fund experience modification factor for each~~ 1931
~~client employer involved in the lease termination.~~ 1932

~~(2) The administrator may require an alternate employer~~ 1933
~~organization to submit the information required under division~~ 1934
~~(C) (1) of this section at additional times after the initial~~ 1935
~~submission if the administrator determines that the information~~ 1936
~~is necessary for the administrator to develop a state fund~~ 1937
~~experience modification factor.~~ 1938

~~(3) The administrator may revoke or refuse to renew an~~ 1939
~~alternate employer organization's status as a self-insuring~~ 1940
~~employer if the alternate employer organization fails to provide~~ 1941
~~information requested by the administrator under division (C) (1)~~ 1942
~~or (2) of this section.~~ 1943

~~(D) The administrator shall use the information provided~~ 1944
~~under division (C) of this section to develop a state fund~~ 1945
~~experience modification factor for each client employer involved~~ 1946
~~in a lease termination with an alternate employer organization~~ 1947
~~that is a self-insuring employer.~~ 1948

~~(E)~~ (C) An alternate employer organization shall report any 1949
transfer of employees between related alternate employer 1950
organization entities to the administrator within fourteen 1951
calendar days after the date of the transfer on a form 1952
prescribed by the administrator. ~~The~~ If the alternate employer 1953
organization is not a self-insuring employer, the alternate 1954
employer organization shall include in the form all client 1955
payroll and claim information regarding the transferred 1956
employees listed in a format specified by the administrator and 1957
a notice of all workers' compensation claims that have been 1958
reported to the alternate employer organization in accordance 1959
with the internal reporting policies of the alternate employer 1960
organization. 1961

~~(F) Prior to entering into an alternate employer-~~ 1962
~~organization agreement with a client employer, an alternate-~~ 1963
~~employer organization shall disclose in writing to the client-~~ 1964
~~employer the reporting requirements that apply to the alternate-~~ 1965
~~employer organization under division (C) of this section and-~~ 1966
~~that the administrator must develop a state fund experience-~~ 1967
~~modification factor for each client employer involved in a lease~~ 1968
~~termination with an alternate employer organization that is a-~~ 1969
~~self-insuring employer.~~ 1970

Sec. 4167.01. As used in this chapter: 1971

(A) "Public employer" means any of the following: 1972

(1) The state and its instrumentalities; 1973

(2) Any political subdivisions and their 1974
instrumentalities, including any county, county hospital, 1975
municipal corporation, city, village, township, park district, 1976
school district, state institution of higher learning, public or 1977

special district, state agency, authority, commission, or board;	1978
(3) Any other branch of public employment not mentioned in division (A) (1) or (2) of this section.	1979 1980
(B) "Public employee" means any individual who engages to furnish services subject to the direction and control of a public employer, including those individuals working for a private employer who has contracted with a public employer and over whom the national labor relations board has declined jurisdiction. "Public employee" does not mean any of the following:	1981 1982 1983 1984 1985 1986 1987
(1) A peace officer employed by a public employer as defined in division (A) (2) of this section or any member of the organized militia ordered to duty by state authority pursuant to Chapter 5923. of the Revised Code;	1988 1989 1990 1991
(2) Any person who engages to furnish services subject to the direction and control of a public employer but does not receive compensation, either directly or indirectly, for those services;	1992 1993 1994 1995
(3) Any forest-fire investigator, natural resources officer, wildlife officer, or preserve officer;	1996 1997
<u>(4) Any person incarcerated in an alternative residential facility, community-based correctional facility, jail, halfway house, or prison, as those terms are defined in section 2929.01 of the Revised Code.</u>	1998 1999 2000 2001
(C) "Public employee representative" means an employee organization certified by the state employment relations board under section 4117.05 of the Revised Code as the exclusive representative of the public employees in a bargaining unit.	2002 2003 2004 2005

(D) "Employment risk reduction standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe and healthful employment and places of employment.

(E) "Ohio employment risk reduction standard" means any risk reduction standard adopted or issued under this chapter.

(F) "Undue hardship" means any requirement imposed under this chapter or a rule or order issued thereunder that would require a public employer to take an action with significant difficulty or expense when considered in light of all of the following factors:

(1) The nature and cost of the action required under this chapter;

(2) The overall financial resources of the public employer involved in the action;

(3) The number of persons employed by the public employer at the particular location where the action may be required;

(4) The effect on expenses and resources or the impact otherwise of the action required upon the operations of the public employer at the location where the action may be required;

(5) The overall size of the public employer with respect to the number of its public employees;

(6) The number, type, and location of the public employer's operations, including the composition, structure, and functions of the workforce of the public entity;

(7) The geographic separateness, administrative, or fiscal

relationship of the public employer's operations to the whole 2034
public employer. 2035

Sec. 4167.10. (A) In order to carry out the purposes of 2036
this chapter, the administrator of workers' compensation or the 2037
administrator's designee shall, as provided in this section, 2038
enter without delay during normal working hours and at other 2039
reasonable times, to inspect and investigate any plant, 2040
facility, establishment, construction site, or any other area, 2041
workplace, or environment where work is being performed by a 2042
public employee of a public employer, and any place of 2043
employment and all pertinent conditions, structures, machines, 2044
apparatus, devices, equipment, and materials therein, and 2045
question privately any public employer, administrator, 2046
department head, operator, agent, or public employee. The 2047
authority to inspect and investigate includes the taking of 2048
environmental samples, the taking and obtaining of photographs 2049
related to the purposes of the inspection or investigation, the 2050
examination of records required to be kept under section 4167.11 2051
of the Revised Code and other documents and records relevant to 2052
the inspection and investigation, the issuance of subpoenas, and 2053
the conducting of tests and other studies reasonably calculated 2054
to serve the purposes of implementing and enforcing this 2055
chapter. Except as provided in this section, the administrator 2056
or the administrator's designee shall conduct ~~scheduled~~the 2057
inspections and investigations only pursuant to rules adopted 2058
under section 4167.02 of the Revised Code, a request to do so by 2059
a public employee or public employee representative, or the 2060
notification the administrator receives pursuant to division (B) 2061
of section 4167.06 of the Revised Code and only if the 2062
administrator or the administrator's designee complies with this 2063
section. The administrator or the administrator's designee shall 2064

conduct all requested or required inspections within a 2065
reasonable amount of time following receipt of the request or 2066
notification. 2067

(B) (1) Any public employee or public employee 2068
representative who believes that a violation of an Ohio 2069
employment risk reduction standard exists that threatens 2070
physical harm, or that an imminent danger exists, may request an 2071
inspection by giving written notice to the administrator or the 2072
administrator's designee of the violation or danger. The notice 2073
shall set forth with reasonable particularity the grounds for 2074
the notice, and shall be signed by the public employee or public 2075
employee representative. The names of individual public 2076
employees making the notice or referred to therein shall not 2077
appear in the copy provided to the public employer pursuant to 2078
division (B) (2) of this section and shall be kept confidential. 2079

(2) If, upon receipt of a notification pursuant to 2080
division (B) (1) of this section, the administrator determines 2081
that there are no reasonable grounds to believe that a violation 2082
or danger exists, the administrator shall inform the public 2083
employee or public employee representative in writing of the 2084
determination. If, upon receipt of a notification, the 2085
administrator determines that there are reasonable grounds to 2086
believe that a violation or danger exists, the administrator 2087
shall, within one week, excluding Saturdays, Sundays, and any 2088
legal holiday as defined in section 1.14 of the Revised Code, 2089
after receipt of the notification, notify the public employer, 2090
by certified mail, return receipt requested, of the alleged 2091
violation or danger. The notice provided to the public employer 2092
or the public employer's agent shall inform the public employer 2093
of the alleged violation or danger and that the administrator or 2094
the administrator's designee will investigate and inspect the 2095

public employer's workplace as provided in this section. The 2096
public employer must respond to the administrator, in a method 2097
determined by the administrator, concerning the alleged 2098
violation or danger, within thirty days after receipt of the 2099
notice. If the public employer does not correct the violation or 2100
danger within the thirty-day period or if the public employer 2101
fails to respond within that time period, the administrator or 2102
the administrator's designee shall investigate and inspect the 2103
public employer's workplace as provided in this section. The 2104
administrator or the administrator's designee shall not conduct 2105
any inspection prior to the end of the thirty-day period unless 2106
requested or permitted by the public employer. The administrator 2107
may, at any time upon the request of the public employer, 2108
inspect and investigate any violation or danger alleged to exist 2109
at the public employer's place of employment. 2110

(3) The authority of the administrator or the 2111
administrator's designee to investigate and inspect a premises 2112
pursuant to a public employee or public employee representative 2113
notification is not limited to the alleged violation or danger 2114
contained in the notification. The administrator or the 2115
administrator's designee may investigate and inspect any other 2116
area of the premises where there is reason to believe that a 2117
violation or danger exists. In addition, if the administrator or 2118
the administrator's designee detects any obvious or apparent 2119
violation at any temporary place of employment while en route to 2120
the premises to be inspected or investigated, and that violation 2121
presents a substantial probability that the condition or 2122
practice could result in death or serious physical harm, the 2123
administrator or the administrator's designee may use any of the 2124
enforcement mechanisms provided in this section to correct or 2125
remove the condition or practice. 2126

(4) If, during an inspection or investigation, the administrator or the administrator's designee finds any condition or practice in any place of employment that presents a substantial probability that the condition or practice could result in death or serious physical harm, after notifying the employer of the administrator's intent to issue an order, the administrator shall issue an order, or the administrator's designee shall issue an order after consultation with the administrator and upon the recommendation of the administrator, which prohibits the employment of any public employee or any continuing operation or process under such condition or practice until necessary steps are taken to correct or remove the condition or practice. The order shall not be effective for more than fifteen days, unless a court of competent jurisdiction otherwise orders as provided in section 4167.14 of the Revised Code.

(C) In making any inspections or investigations under this chapter, the administrator or the administrator's designee may administer oaths and require, by subpoena, the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall receive the fees and mileage provided for under section 119.094 of the Revised Code. In the case of contumacy, failure, or refusal of any person to comply with an order or any subpoena lawfully issued, or upon the refusal of any witness to testify to any matter regarding which the witness may lawfully be interrogated, a judge of the court of common pleas of any county in this state, on the application of the administrator or the administrator's designee, shall issue an order requiring the person to appear and to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question. The court may punish

any failure to obey the order of the court as a contempt 2158
thereof. 2159

(D) If, upon inspection or investigation, the 2160
administrator or the administrator's designee believes that a 2161
public employer has violated any requirement of this chapter or 2162
any rule, Ohio employment risk reduction standard, or order 2163
adopted or issued pursuant thereto, the administrator or the 2164
administrator's designee shall, with reasonable promptness, 2165
issue a citation to the public employer. The citation shall be 2166
in writing and describe with particularity the nature of the 2167
alleged violation, including a reference to the provision of 2168
law, Ohio employment risk reduction standard, rule, or order 2169
alleged to have been violated. In addition, the citation shall 2170
fix a time for the abatement of the violation, as provided in 2171
division (H) of this section. The administrator may prescribe 2172
procedures for the issuance of a notice with respect to minor 2173
violations and for enforcement of minor violations that have no 2174
direct or immediate relationship to safety or health. 2175

(E) Upon receipt of any citation under this section, the 2176
public employer shall immediately post the citation, or a copy 2177
thereof, at or near each place an alleged violation referred to 2178
in the citation occurred. 2179

(F) The administrator may not issue a citation under this 2180
section after the expiration of six months following the final 2181
occurrence of any violation. 2182

(G) If the administrator issues a citation pursuant to 2183
this section, the administrator shall mail the citation to the 2184
public employer by certified mail, return receipt requested. The 2185
public employer has fourteen days after receipt of the citation 2186
within which to notify the administrator that the employer 2187

wishes to contest the citation. If the employer notifies the administrator within the fourteen days that the employer wishes to contest the citation, or if within fourteen days after the issuance of a citation a public employee or public employee representative files notice that the time period fixed in the citation for the abatement of the violation is unreasonable, the administrator shall hold an adjudication hearing in accordance with Chapter 119. of the Revised Code.

(H) In establishing the time limits in which a public employer must abate a violation under this section, the administrator shall consider the costs to the public employer, the size and financial resources of the public employer, the severity of the violation, the technological feasibility of the public employer's ability to comply with requirements of the citation, the possible present and future detriment to the health and safety of any public employee for failure of the public employer to comply with requirements of the citation, and such other factors as the administrator determines appropriate. The administrator may, after considering the above factors, permit the public employer to comply with the citation over a period of up to two years and may extend that period an additional one year, as the administrator determines appropriate.

(I) Any public employer may request the administrator to conduct an employment risk reduction inspection of the public employer's place of employment. The administrator or the administrator's designee shall conduct the inspection within a reasonable amount of time following the request. Neither the administrator nor any other person may use any information obtained from the inspection for a period not to exceed three years in any proceeding for a violation of this chapter or any

rule or order issued thereunder nor in any other action in any court in this state. 2219
2220

Sec. 5145.163. (A) As used in this section: 2221

(1) "Customer model enterprise" means an enterprise 2222
conducted under a federal prison industries enhancement 2223
certification program in which a private party participates in 2224
the enterprise only as a purchaser of goods and services. 2225

(2) "Employer model enterprise" means an enterprise 2226
conducted under a federal prison industries enhancement 2227
certification program in which a private party participates in 2228
the enterprise as an operator of the enterprise. 2229

(3) "Injury" and "occupational disease" have the same 2230
meanings as in section 4123.01 of the Revised Code if sustained 2231
or contracted in the course of, and arising out of, 2232
participation in authorized work activity in the federal prison 2233
industries enhancement certification program. 2234

(4) ~~"Inmate"~~ "Incarcerated worker" means any person who is 2235
committed to the custody of the department of rehabilitation and 2236
correction and who is participating in an Ohio penal industries 2237
program that is under the federal prison industries enhancement 2238
certification program. 2239

(5) "Federal prison industries enhancement certification 2240
program" means the program authorized pursuant to 18 U.S.C. 2241
1761. 2242

(6) "Injured incarcerated worker" means an individual to 2243
which division (G) of this section applies. 2244

(7) "Compensation" means compensation as provided in 2245
sections 4123.56 to 4123.58 of the Revised Code. 2246

(B) No private party shall participate in an employer model enterprise in this state unless the private party is approved by the director of rehabilitation and correction in accordance with division (C) of this section.

(C) The director may approve a private party to participate in an employer model enterprise only if the private party meets the following requirements:

~~(1) The private party provides proof of workers' compensation coverage furnished by the bureau of workers' compensation.~~

~~(2) The private party carries liability insurance in an amount the director determines to be sufficient.~~

~~(3)~~ (2) The private party does not have an unresolved finding for recovery by the auditor of state under section 9.24 of the Revised Code.

~~(D) (1) If the enterprise for which an inmate works is a customer model enterprise, the~~ (D) The department may shall ~~treat the inmate an incarcerated worker, regardless of whether the incarcerated worker works in a customer model enterprise or an employer model enterprise, as an employee of the department for the purpose of workers' compensation coverage in accordance with Chapters 4121., and 4123., 4127., and 4131. of the Revised Code.~~

~~(2) If the enterprise for which an inmate works is an employer model enterprise, the private participant may treat the inmate as an employee of the private participant for the purpose of workers' compensation coverage in accordance with Chapters 4121., 4123., 4127., and 4131. of the Revised Code.~~

(E) Except as provided in division (D) of this section,

~~inmates-incarcerated workers~~ are not employees of the department 2276
~~of rehabilitation and correction or the private participant in-~~ 2277
~~an enterprise.~~ 2278

(F) (1) An ~~inmate-incarcerated worker~~ who is injured or who 2279
contracts an occupational disease in the course of and arising 2280
out of participation in authorized work activity in the federal 2281
prison industries enhancement certification program may request 2282
the department file a claim ~~for compensation or benefits with~~ 2283
the bureau of workers' compensation under Chapters 4121.7 and 2284
4123.7, 4127.7, and 4131. of the Revised Code ~~while the claimant-~~ 2285
~~is in the custody of the department~~ within the timeframe 2286
provided for in section 4123.84 or 4123.85 of the Revised Code. 2287

(2) The dependent of an ~~inmate-incarcerated worker~~ who is 2288
killed or dies as the result of an injury or occupational 2289
disease contracted in the course of and arising out of 2290
participation in authorized work activity in the federal prison 2291
industries enhancement certification program may request the 2292
department file a claim ~~for compensation and benefits with the~~ 2293
bureau under Chapters 4121.7 and 4123.7, 4127.7, and 4131. of the 2294
Revised Code within the timeframe provided for in section 2295
4123.84 or 4123.85 of the Revised Code. A party may use the 2296
appeals process under Chapters 4121. and 4123. of the Revised 2297
Code regarding applications filed under division (F) (2) of this 2298
section. 2299

(G) Notwithstanding any provision of Chapter 4121. or 2300
4123. of the Revised Code to the contrary, ~~an inmate who files a~~ 2301
~~claim pursuant to this section~~ if the department determines that 2302
an incarcerated worker was injured or contracted an occupational 2303
disease in the course of and arising out of participation in 2304
authorized work activity in the federal prison industries 2305

enhancement certification program, whether by external 2306
accidental means or accidental in character or result, both of 2307
the following apply to the individual while that individual is 2308
in the custody of the department: 2309

(1) The individual may receive medical treatment for the 2310
injury or occupational disease. 2311

(2) The individual is barred from filing for compensation 2312
with the department or the bureau. 2313

~~shall receive~~ (H) While an injured incarcerated worker is 2314
in the custody of the department, medical recommendations 2315
pertaining to, and medical treatment and have medical 2316
~~determinations for purposes of Chapter 4121. and 4123. of the~~ 2317
~~Revised Code made by the department's medical providers~~ for, the 2318
injured incarcerated worker shall be provided exclusively 2319
through the department's network of providers. Medical 2320

(I) Claim allowance determinations made by the 2321
~~department's providers~~ department shall be limited to initial 2322
claim allowances and requests for additional conditions. The 2323
~~claimant~~ An injured incarcerated worker may request appeal the 2324
department's claim allowance determination or medical treatment 2325
determination by requesting a review by the department's chief 2326
medical officer. In the event of an a further appeal, the 2327
~~claimant~~ injured incarcerated worker may receive a medical 2328
evaluation from a medical practitioner affiliated within the 2329
department's network of third-party medical contractors or a 2330
~~medical practitioner in a managed care organization certified by~~ 2331
~~the bureau of workers' compensation under section 4121.44 of the~~ 2332
~~Revised Code and located in Franklin county.~~ 2333

~~(H) In~~ (J) Except for appeals regarding determinations 2334

under division (I) of this section, and notwithstanding any 2335
provision of Chapter 4121. or 4123. of the Revised Code to the 2336
contrary, an injured incarcerated worker is barred from 2337
appealing a determination made under this section while 2338
incarcerated. 2339

(K) After an injured incarcerated worker is released from 2340
incarceration, all of the following apply: 2341

(1) A party may use the appeals process under Chapters 2342
4121. and 4123. of the Revised Code regarding any application 2343
filed by an injured incarcerated worker. 2344

(2) The released individual may receive medical treatment 2345
consistent with Chapters 4121. and 4123. of the Revised Code. 2346

(3) The released individual may seek compensation through 2347
the bureau consistent with Chapters 4121. and 4123. of the 2348
Revised Code. 2349

(L) Except for medical treatment as allowed under division 2350
(G) of this section, in accordance with division (J) of section 2351
4123.54 of the Revised Code, compensation or medical benefits 2352
are not payable to or on behalf of a claimant an injured 2353
incarcerated worker during the period of confinement of the 2354
claimant injured incarcerated worker in any correctional 2355
institution or county jail. Any remaining amount of an award of 2356
compensation or benefits for an injury or occupational disease 2357
arising out of participation in authorized work activity in the 2358
federal prison industries enhancement certification program 2359
shall be paid to or on behalf of a claimant after the claimant 2360
is released from imprisonment. If a claimant an injured 2361
incarcerated worker is reimprisoned within the custody of the 2362
department, compensation and benefits shall be suspended during 2363

the ~~claimant's~~ injured incarcerated worker's imprisonment but 2364
~~shall may~~ resume on the ~~claimant's~~ worker's release from 2365
imprisonment. The department may pay for medical benefits in 2366
accordance with division (G) of this section. 2367

~~(I)~~ (M) After an injured incarcerated worker is released 2368
from the department's custody, regardless of whether the worker 2369
worked in a customer model enterprise or an employer model 2370
enterprise, all claim costs, other than medical costs paid by 2371
the department while the worker was in the department's custody, 2372
shall be paid by the department in accordance with the 2373
requirements of Chapters 4121. and 4123. of the Revised Code. 2374

(N) An inmate-incarcerated worker shall voluntarily 2375
consent to participate in a federal prison industries 2376
enhancement certification program prior to commencing 2377
participation in the program. Such consent disclaims the 2378
~~inmate's~~ worker's ability to choose a medical provider while the 2379
~~inmate~~ worker is imprisoned and subjects the ~~inmate~~ worker to 2380
the requirements of this section. 2381

Section 2. That existing sections 4121.12, 4121.121, 2382
4121.13, 4121.41, 4121.45, 4123.44, 4123.52, 4123.54, 4123.57, 2383
4123.66, 4125.07, 4133.10, 4167.01, 4167.10, and 5145.163 of the 2384
Revised Code are hereby repealed. 2385

Section 3. That sections 4167.25, 4167.27, and 4167.28 of 2386
the Revised Code are hereby repealed. 2387

Section 4. All items in this act are hereby appropriated 2388
out of any moneys in the state treasury to the credit of the 2389
designated fund. For all appropriations made in this act, those 2390
in the first column are for fiscal year 2026 and those in the 2391
second column are for fiscal year 2027. 2392

	1	2	3	4	5
A			BWC BUREAU OF WORKERS COMPENSATION		
B			Dedicated Purpose Fund Group		
C	7023	855407	Claims, Risk and Medical Management	\$123,887,269	\$128,050,202
D	7023	855409	Administrative Services	\$167,215,851	\$168,637,822
E	7023	855410	Attorney General Payments	\$6,384,084	\$6,607,527
F	8220	855606	Coal Workers' Fund	\$197,040	\$197,040
G	8230	855608	Marine Industry	\$75,000	\$75,000
H	8250	855605	Disabled Workers Relief Fund	\$201,000	\$201,000
I	8260	855609	Safety and Hygiene Operating	\$21,471,244	\$23,281,721
J	8260	855610	Safety Grants	\$34,300,000	\$34,300,000
K	8260	855611	Health and Safety Initiative	\$3,000,000	\$3,000,000
L	8260	855612	Safety Campaign	\$250,000	\$250,000
M	8260	855619	Safety and Health Workforce Safety Innovation Center	\$14,700,000	\$14,700,000

N	Dedicated Purpose Fund Group Total	\$371,681,488	\$379,300,312
O	Federal Fund Group		
P	3490 855601 OSHA Enforcement	\$1,751,293	\$1,751,293
Q	3FW0 855614 BLS SOII Grant	\$199,000	\$199,000
R	Federal Fund Group Total	\$1,950,293	\$1,950,293
S	TOTAL ALL BUDGET FUND GROUPS	\$373,631,781	\$381,250,605

Section 5. WORKERS' COMPENSATION FRAUD UNIT 2394

Of the foregoing appropriation item 855410, Attorney 2395
 General Payments, \$869,610 in fiscal year 2026 and \$900,046 in 2396
 fiscal year 2027 shall be used to fund the expenses of the 2397
 Workers' Compensation Fraud Unit within the Attorney General's 2398
 Office. These payments shall be processed at the beginning of 2399
 each quarter of each fiscal year and deposited into the Workers' 2400
 Compensation Section Fund (Fund 1950) used by the Attorney 2401
 General. 2402

SAFETY AND HYGIENE 2403

Notwithstanding section 4121.37 of the Revised Code, as 2404
 directed by the Bureau of Workers' Compensation, the Treasurer 2405
 of State shall remit up to \$73,721,244 cash in fiscal year 2026 2406
 and up to \$75,531,721 cash in fiscal year 2027 from the State 2407
 Insurance Fund to the state treasury to the credit of the Safety 2408
 and Hygiene Fund (Fund 8260) to be used to fund appropriation 2409
 lines 855609 for the purpose of operating a Safety and Hygiene 2410
 program, 855610 to be used for Safety Grants, 855611 for the 2411
 purpose of operating a Health and Wellness Program, 855612 for 2412
 the purpose of operating a statewide safety awareness and 2413

education campaign, and 855619 for the purpose of funding a	2414
workforce safety innovation center program.	2415
FEDERAL GRANT PROGRAMS	2416
The foregoing appropriation item 855609, Safety and	2417
Hygiene Operating, may be used to provide the state match for	2418
federal grant funding received by the Division of Safety and	2419
Hygiene.	2420
VOCATIONAL REHABILITATION	2421
The Bureau of Workers' Compensation and the Opportunities	2422
for Ohioans with Disabilities Agency may enter into an	2423
interagency agreement for the provision of vocational	2424
rehabilitation services and staff to mutually eligible clients.	2425
The Bureau may provide funds from the State Insurance Fund to	2426
fund vocational rehabilitation services and staff in accordance	2427
with the interagency agreement.	2428
Section 6. DEPUTY INSPECTOR GENERAL FOR BWC AND OIC	2429
FUNDING	2430
To pay for the FY 2026 costs related to the Deputy	2431
Inspector General for the Bureau of Workers' Compensation and	2432
Industrial Commission, on July 1, 2025, and January 1, 2026, or	2433
as soon as possible thereafter, the Director of Budget and	2434
Management shall transfer \$212,500 cash from the Workers'	2435
Compensation Fund (Fund 7023) to the Deputy Inspector General	2436
for the Bureau of Workers' Compensation and Industrial	2437
Commission Fund (Fund 5FT0).	2438
To pay for the FY 2027 costs related to the Deputy	2439
Inspector General for the Bureau of Workers' Compensation and	2440
Industrial Commission, on July 1, 2026, and January 1, 2027, or	2441
as soon as possible thereafter, the Director of Budget and	2442

Management shall transfer \$212,500 cash from the Workers' 2443
Compensation Fund (Fund 7023) to the Deputy Inspector General 2444
for the Bureau of Workers' Compensation and Industrial 2445
Commission Fund (Fund 5FT0). 2446

If additional amounts are needed, the Inspector General 2447
may seek Controlling Board approval for additional transfers of 2448
cash and to increase the amount appropriated in appropriation 2449
item 965604, Deputy Inspector General for the Bureau of Workers' 2450
Compensation and Industrial Commission. 2451

Section 7. The amendment of sections 4123.52 and 4123.57 2452
of the Revised Code by this act applies to claims pending on or 2453
arising on or after the effective date of this section. 2454

Section 8. This Section and Sections 4, 5, and 6 of this 2455
act are exempt from the referendum under Ohio Constitution, 2456
Article II, Section 1d and section 1.471 of the Revised Code and 2457
therefore take effect immediately when this act becomes law. 2458

Section 9. The General Assembly, applying the principle 2459
stated in division (B) of section 1.52 of the Revised Code that 2460
amendments are to be harmonized if reasonably capable of 2461
simultaneous operation, finds that the following sections, 2462
presented in this act as composites of the sections as amended 2463
by the acts indicated, are the resulting versions of the 2464
sections in effect prior to the effective date of the sections 2465
as presented in this act: 2466

Section 4123.52 of the Revised Code as amended by both 2467
H.B. 33 of the 135th General Assembly and H.B. 81 of the 133rd 2468
General Assembly. 2469

Section 4123.57 of the Revised Code as amended by both 2470
H.B. 75 and H.B. 281 of the 134th General Assembly. 2471