

**As Passed by the House**

**136th General Assembly**

**Regular Session**

**2025-2026**

**Am. H. B. No. 81**

**Representative Stewart**

**Cosponsors: Representatives Miller, J., Roemer, Abrams, Barhorst, Brennan, Brownlee, Denson, Ghanbari, Glassburn, Grim, Gross, Isaacsohn, Jarrells, Jones, Lampton, Mullins, Peterson, Robb Blasdel, Russo, Sigrist, Sims, Somani, Swearingen, Troy, White, E., Williams, Willis**

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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 the bureau;	167 168
(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	193 194

to facilitate the review required under this division.	195
(5) Study issues as requested by the administrator or the governor;	196 197
(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	218 219 220 221



and monitor the performance and value of each investment class;	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 <del>and the protection of public</del>	242
<del>health care workers from exposure incidents.</del>	243
<del>As used in this division, "public health care worker" and</del>	244
<del>"exposure incident" have the same meanings as in section 4167.25</del>	245
<del>of the Revised Code.</del>	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

<del>(15) Meet with the governor on an annual basis to discuss</del>	250
<del>the administrator's performance of the duties specified in this</del>	251
<del>chapter and Chapters 4123., 4125., 4127., 4131., 4133., and</del>	252
<del>4167. of the Revised Code;</del>	253
<del>(16)</del> 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
<del>(17)</del> <u>(16)</u> Hold all sessions, classes, and other events for	272
the program developed pursuant to division <del>(F)</del> <u>(F)</u> <del>(16)</del> <u>(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' compensation audit committee, the workers' compensation actuarial committee, and the workers' compensation investment committee that the board determines are necessary to assist the board in performing its duties.	277 278 279 280 281
(H) The office of a member of the board who is convicted of or pleads guilty to a felony, a theft offense as defined in section 2913.01 of the Revised Code, or a violation of section 102.02, 102.03, 102.04, 2921.02, 2921.11, 2921.13, 2921.31, 2921.41, 2921.42, 2921.43, or 2921.44 of the Revised Code shall be deemed vacant. The vacancy shall be filled in the same manner as the original appointment. A person who has pleaded guilty to or been convicted of an offense of that nature is ineligible to be a member of the board. A member who receives a bill of indictment for any of the offenses specified in this section shall be automatically suspended from the board pending resolution of the criminal matter.	282 283 284 285 286 287 288 289 290 291 292 293
<del>(I) For the purposes of division (C) (1) of section 121.22 of the Revised Code, the meeting between the governor and the board to review the administrator's performance as required under division (F) (15) of this section shall be considered a meeting regarding the employment of the administrator.</del> <u>Notwithstanding any provision to the contrary in section 3.17 of the Revised Code, a board member who fails to attend nine or more board meetings, including regular and special meetings, during any consecutive twelve-month period forfeits the member's position on the board. The resulting vacancy shall be filled in the same manner as the original appointment.</u>	294 295 296 297 298 299 300 301 302 303 304 305

**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 examiners for employees of the bureau;	549 550
(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	573 574 575 576 577

enters provided that those contracts fall within the type of 578  
contracts and dollar amounts specified in the Revised Code for 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 ~~ombudsperson~~-customer advocate 696  
shall devote the chief ~~ombudsperson's~~-customer advocate's full 697  
time and attention to the duties of the ~~ombudsperson's~~-chief 698  
customer advocate's office. The administrator of workers' 699  
compensation shall furnish the chief ~~ombudsperson~~-customer 700  
advocate with the office space, supplies, and clerical 701  
assistance that will enable the chief ~~ombudsperson~~-customer 702  
advocate and the ~~ombudsperson~~-system-customer advocacy office 703  
staff to perform their duties effectively. The ~~ombudsperson~~- 704  
program-office shall be funded out of the budget of the bureau 705  
and the chief ~~ombudsperson~~-customer advocate and the 706  
~~ombudsperson~~-system-customer advocacy office staff shall be 707  
carried on the bureau payroll. The chief ~~ombudsperson~~-customer 708  
advocate and the ~~ombudsperson~~-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 ~~ombudsperson~~-system-customer advocacy office 712  
staff full and prompt cooperation in all matters relating to the 713  
duties of the chief ~~ombudsperson~~-customer advocate. 714

(B) The ~~ombudsperson~~-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 employer as they relate to reserves established and premiums charged in connection with the employer's account;	725 726 727
(4) Comply with Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and the nominating council's human resource and ethics policies;	728 729 730
(5) Not express any opinions as to the merit of a claim or the correctness of a decision by the various officers or agencies as the decision relates to a claim for benefits or compensation.	731 732 733 734
For the purpose of carrying out the chief <del>ombudsperson's</del> <u>customer advocate's</u> duties, the chief <del>ombudsperson</del> <u>customer advocate</u> or the <del>ombudsperson system</del> <u>customer advocacy office</u> staff, notwithstanding sections 4123.27 and 4123.88 of the Revised Code, has the right at all reasonable times to examine the contents of a claim file and discuss with parties in interest the contents of the file as long as the <del>ombudsperson</del> <u>customer advocate</u> does not divulge information that would tend to prejudice the case of either party to a claim or that would tend to compromise a privileged attorney-client relationship, physician-patient relationship, or advanced practice registered nurse-patient relationship.	735 736 737 738 739 740 741 742 743 744 745 746
(C) The chief <del>ombudsperson</del> <u>customer advocate</u> shall:	747
(1) Assist any service office in its duties whenever it requires assistance or information that can best be obtained from central office personnel or records;	748 749 750
(2) Annually assemble reports from each assistant <del>ombudsperson</del> <u>customer advocate</u> as to their activities for the	751 752

preceding year together with their recommendations as to changes 753  
or improvements in the operations of the workers' compensation 754  
system. The chief ~~ombudsperson~~ customer advocate shall prepare a 755  
written report summarizing the activities of the ~~ombudsperson~~ 756  
~~system~~ customer advocacy office together with a digest of 757  
recommendations. The chief ~~ombudsperson~~ 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 ~~ombudsperson~~ customer advocate or assistant 763  
~~ombudsperson~~ 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 ombudsperson~~ a customer advocate or 768  
assistant ~~ombudsperson~~ customer advocate undertake any such 769  
representation for a period of one year after the ~~ombudsperson's~~ 770  
customer advocate's or assistant ~~ombudsperson'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 ~~ombudsperson~~ customer advocate and assistant 778  
~~ombudspersons~~ 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 ~~ombudspersons~~-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 employer'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 1414  
hearing officer, the employer may obtain a medical examination 1415  
of the employee, pursuant to rules of the industrial commission. 1416

(A) The district hearing officer, upon the application, 1417  
shall determine the percentage of the employee's permanent 1418  
disability, except as is subject to division (B) of this 1419  
section, based upon that condition of the employee resulting 1420  
from the injury or occupational disease and causing permanent 1421  
impairment evidenced by medical or clinical findings reasonably 1422  
demonstrable. The employee shall receive sixty-six and two- 1423  
thirds per cent of the employee's average weekly wage, but not 1424  
more than a maximum of thirty-three and one-third per cent of 1425  
the statewide average weekly wage as defined in division (C) of 1426  
section 4123.62 of the Revised Code, per week regardless of the 1427  
average weekly wage, for the number of weeks which equals the 1428  
percentage of two hundred weeks. Except on application for 1429  
reconsideration, review, or modification, which is filed within 1430  
ten days after the date of receipt of the decision of the 1431  
district hearing officer, in no instance shall the former award 1432  
be modified unless it is found from medical or clinical findings 1433  
that the condition of the claimant resulting from the injury has 1434  
so progressed as to have increased the percentage of permanent 1435  
partial disability. A staff hearing officer shall hear an 1436  
application for reconsideration filed and the staff hearing 1437  
officer's decision is final. An employee may file an application 1438  
for a subsequent determination of the percentage of the 1439  
employee's permanent disability. If such an application is 1440

filed, the bureau shall send a copy of the application to the 1441  
employer or the employer's representative. No sooner than sixty 1442  
days from the date of the mailing of the application to the 1443  
employer or the employer's representative, the administrator 1444  
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, 1506  
sixty weeks. 1507

For the loss of a second finger, commonly called index 1508  
finger, thirty-five weeks. 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 1512  
little finger, fifteen weeks. 1513

The loss of a second, or distal, phalange of the thumb is 1514  
considered equal to the loss of one half of such thumb; the loss 1515  
of more than one half of such thumb is considered equal to the 1516  
loss of the whole thumb. 1517

The loss of the third, or distal, phalange of any finger 1518  
is considered equal to the loss of one-third of the finger. 1519

The loss of the middle, or second, phalange of any finger 1520  
is considered equal to the loss of two-thirds of the finger. 1521

The loss of more than the middle and distal phalanges of 1522  
any finger is considered equal to the loss of the whole finger. 1523  
In no case shall the amount received for more than one finger 1524  
exceed the amount provided in this schedule for the loss of a 1525  
hand. 1526

For the loss of the metacarpal bone (bones of the palm) 1527

for the corresponding thumb, or fingers, add ten weeks to the 1528  
number of weeks under this division. 1529

For ankylosis (total stiffness of) or contractures (due to 1530  
scars or injuries) which makes any of the fingers, thumbs, or 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 determination that ~~both~~ all of the following apply: 1799  
1800

(a) ~~The payment is for reimbursement of benefits for an injury or occupational disease~~ in response to a request from a party listed in division (D) (1) of this section. 1801  
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  
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(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  
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**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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(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 1823  
1824  
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operations within the state of Ohio, or the registration of the 1827  
professional employer organization is revoked, the professional 1828  
employer organization shall submit to the administrator of 1829  
workers' compensation and each client employer associated with 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 organization to submit the information required under division (C) (1) of this section at additional times after the initial submission if the administrator determines that the information is necessary for the administrator to develop a state fund experience modification factor.~~ 1856  
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~~(3) The administrator may revoke or refuse to renew a professional employer organization's status as a self-insuring employer if the professional employer organization fails to provide information requested by the administrator under division (C) (1) or (2) of this section.~~ 1862  
1863  
1864  
1865  
1866

~~(D) The administrator shall use the information provided under division (C) of this section to develop a state fund experience modification factor for each client employer involved in a lease termination with a professional employer organization that is a self-insuring employer.~~ 1867  
1868  
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~~(E)~~ (C) A professional employer organization shall report any transfer of employees between related professional employer organization entities or professional employer organization reporting entities to the administrator within fourteen calendar days after the date of the transfer on a form prescribed by the administrator. The If the professional employer organization is not a self-insuring employer, the professional employer organization or professional employer organization reporting entity shall include in the form all client payroll and claim information regarding the transferred employees listed in a format specified by the administrator and a notice of all workers' compensation claims that have been reported to the professional employer organization or professional employer organization reporting entity in accordance with the internal 1872  
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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  
self-insuring employer is required to submit a workers'  
compensation lease termination notice form under division (B) of  
this section, not later than thirty calendar days after the  
lease termination the alternate employer organization shall  
submit all of the following to the administrator for any years  
necessary for the administrator to develop a state fund  
experience modification factor for each client employer involved  
in the lease termination:~~ 1917  
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~~(a) The payroll of each client employer involved in the  
lease termination, organized by manual classification and year;~~ 1926  
1927

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

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

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

~~(3) The administrator may revoke or refuse to renew an  
alternate employer organization's status as a self-insuring  
employer if the alternate employer organization fails to provide  
information requested by the administrator under division (C) (1)  
or (2) of this section.~~ 1939  
1940  
1941  
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~~(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	1979
division (A) (1) or (2) of this section.	1980
(B) "Public employee" means any individual who engages to	1981
furnish services subject to the direction and control of a	1982
public employer, including those individuals working for a	1983
private employer who has contracted with a public employer and	1984
over whom the national labor relations board has declined	1985
jurisdiction. "Public employee" does not mean any of the	1986
following:	1987
(1) A peace officer employed by a public employer as	1988
defined in division (A) (2) of this section or any member of the	1989
organized militia ordered to duty by state authority pursuant to	1990
Chapter 5923. of the Revised Code;	1991
(2) Any person who engages to furnish services subject to	1992
the direction and control of a public employer but does not	1993
receive compensation, either directly or indirectly, for those	1994
services;	1995
(3) Any forest-fire investigator, natural resources	1996
officer, wildlife officer, or preserve officer;	1997
<u>(4) Any person incarcerated in an alternative residential</u>	1998
<u>facility, community-based correctional facility, jail, halfway</u>	1999
<u>house, or prison, as those terms are defined in section 2929.01</u>	2000
<u>of the Revised Code.</u>	2001
(C) "Public employee representative" means an employee	2002

organization certified by the state employment relations board 2003  
under section 4117.05 of the Revised Code as the exclusive 2004  
representative of the public employees in a bargaining unit. 2005

(D) "Employment risk reduction standard" means a standard 2006  
which requires conditions, or the adoption or use of one or more 2007  
practices, means, methods, operations, or processes, reasonably 2008  
necessary or appropriate to provide safe and healthful 2009  
employment and places of employment. 2010

(E) "Ohio employment risk reduction standard" means any 2011  
risk reduction standard adopted or issued under this chapter. 2012

(F) "Undue hardship" means any requirement imposed under 2013  
this chapter or a rule or order issued thereunder that would 2014  
require a public employer to take an action with significant 2015  
difficulty or expense when considered in light of all of the 2016  
following factors: 2017

(1) The nature and cost of the action required under this 2018  
chapter; 2019

(2) The overall financial resources of the public employer 2020  
involved in the action; 2021

(3) The number of persons employed by the public employer 2022  
at the particular location where the action may be required; 2023

(4) The effect on expenses and resources or the impact 2024  
otherwise of the action required upon the operations of the 2025  
public employer at the location where the action may be 2026  
required; 2027

(5) The overall size of the public employer with respect 2028  
to the number of its public employees; 2029

(6) The number, type, and location of the public 2030

employer's operations, including the composition, structure, and 2031  
functions of the workforce of the public entity; 2032

(7) The geographic separateness, administrative, or fiscal 2033  
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 2127  
administrator or the administrator's designee finds any 2128  
condition or practice in any place of employment that presents a 2129  
substantial probability that the condition or practice could 2130  
result in death or serious physical harm, after notifying the 2131  
employer of the administrator's intent to issue an order, the 2132  
administrator shall issue an order, or the administrator's 2133  
designee shall issue an order after consultation with the 2134  
administrator and upon the recommendation of the administrator, 2135  
which prohibits the employment of any public employee or any 2136  
continuing operation or process under such condition or practice 2137  
until necessary steps are taken to correct or remove the 2138  
condition or practice. The order shall not be effective for more 2139  
than fifteen days, unless a court of competent jurisdiction 2140  
otherwise orders as provided in section 4167.14 of the Revised 2141  
Code. 2142

(C) In making any inspections or investigations under this 2143  
chapter, the administrator or the administrator's designee may 2144  
administer oaths and require, by subpoena, the attendance and 2145  
testimony of witnesses and the production of evidence under 2146  
oath. Witnesses shall receive the fees and mileage provided for 2147  
under section 119.094 of the Revised Code. In the case of 2148  
contumacy, failure, or refusal of any person to comply with an 2149  
order or any subpoena lawfully issued, or upon the refusal of 2150  
any witness to testify to any matter regarding which the witness 2151  
may lawfully be interrogated, a judge of the court of common 2152  
pleas of any county in this state, on the application of the 2153  
administrator or the administrator's designee, shall issue an 2154

order requiring the person to appear and to produce evidence if, 2155  
as, and when so ordered, and to give testimony relating to the 2156  
matter under investigation or in question. The court may punish 2157  
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 2188  
administrator within the fourteen days that the employer wishes 2189  
to contest the citation, or if within fourteen days after the 2190  
issuance of a citation a public employee or public employee 2191  
representative files notice that the time period fixed in the 2192  
citation for the abatement of the violation is unreasonable, the 2193  
administrator shall hold an adjudication hearing in accordance 2194  
with Chapter 119. of the Revised Code. 2195

(H) In establishing the time limits in which a public 2196  
employer must abate a violation under this section, the 2197  
administrator shall consider the costs to the public employer, 2198  
the size and financial resources of the public employer, the 2199  
severity of the violation, the technological feasibility of the 2200  
public employer's ability to comply with requirements of the 2201  
citation, the possible present and future detriment to the 2202  
health and safety of any public employee for failure of the 2203  
public employer to comply with requirements of the citation, and 2204  
such other factors as the administrator determines appropriate. 2205  
The administrator may, after considering the above factors, 2206  
permit the public employer to comply with the citation over a 2207  
period of up to two years and may extend that period an 2208  
additional one year, as the administrator determines 2209  
appropriate. 2210

(I) Any public employer may request the administrator to 2211  
conduct an employment risk reduction inspection of the public 2212  
employer's place of employment. The administrator or the 2213  
administrator's designee shall conduct the inspection within a 2214  
reasonable amount of time following the request. Neither the 2215

administrator nor any other person may use any information 2216  
obtained from the inspection for a period not to exceed three 2217  
years in any proceeding for a violation of this chapter or any 2218  
rule or order issued thereunder nor in any other action in any 2219  
court in this state. 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 2247  
model enterprise in this state unless the private party is 2248  
approved by the director of rehabilitation and correction in 2249  
accordance with division (C) of this section. 2250

(C) The director may approve a private party to 2251  
participate in an employer model enterprise only if the private 2252  
party meets the following requirements: 2253

~~(1) The private party provides proof of workers'~~ 2254  
~~compensation coverage furnished by the bureau of workers'~~ 2255  
~~compensation.~~ 2256

~~(2)~~The private party carries liability insurance in an 2257  
amount the director determines to be sufficient. 2258

~~(3)~~(2) The private party does not have an unresolved 2259  
finding for recovery by the auditor of state under section 9.24 2260  
of the Revised Code. 2261

~~(D) (1) If the enterprise for which an inmate works is a~~ 2262  
~~customer model enterprise, the~~ (D) The department may shall 2263  
treat the inmate an incarcerated worker, regardless of whether 2264  
the incarcerated worker works in a customer model enterprise or 2265  
an employer model enterprise, as an employee of the department 2266  
for the purpose of workers' compensation coverage in accordance 2267  
with Chapters 4121.7, and 4123.7, 4127., and 4131. of the Revised 2268  
Code. 2269

~~(2) If the enterprise for which an inmate works is an~~ 2270  
~~employer model enterprise, the private participant may treat the~~ 2271  
~~inmate as an employee of the private participant for the purpose~~ 2272  
~~of workers' compensation coverage in accordance with Chapters~~ 2273

~~4121., 4123., 4127., and 4131. of the Revised Code.~~ 2274

(E) Except as provided in division (D) of this section, 2275  
~~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~~ 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~~ 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

2393

	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