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136th General Assembly

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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

Senators Antonio, Blackshear, Cirino, Craig, DeMora, Hicks-Hudson, Ingram, Johnson, O'Brien, Patton, Reineke, Roegner, Timken, Weinstein, Wilson

A BILL

To amend sections 4121.12, 4121.121, 4121.13, 1
4123.44, 4123.52, 4123.54, 4123.57, 4123.66, 2
4125.07, 4133.10, 4167.01, 4167.10, and 5145.163 3
and to repeal sections 4167.25, 4167.27, and 4
4167.28 of the Revised Code to make 5
appropriations for the Bureau of Workers' 6
Compensation for the biennium beginning July 1, 7
2025, and ending June 30, 2027, to provide 8
authorization and conditions for the operation 9
of the Bureau's programs, and to make changes to 10
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
4123.44, 4123.52, 4123.54, 4123.57, 4123.66, 4125.07, 4133.10, 13
4167.01, 4167.10, and 5145.163 of the Revised Code be amended to 14
read as follows: 15

Sec. 4121.12. (A) There is hereby created the bureau of
workers' compensation board of directors consisting of eleven
members to be appointed by the governor with the advice and
consent of the senate. One member shall be an individual who, on
account of the individual's previous vocation, employment, or
affiliations, can be classed as a representative of employees;
two members shall be individuals who, on account of their
previous vocation, employment, or affiliations, can be classed
as representatives of employee organizations and at least one of
these two individuals shall be a member of the executive
committee of the largest statewide labor federation; three
members shall be individuals who, on account of their previous
vocation, employment, or affiliations, can be classed as
representatives of employers, one of whom represents self-
insuring employers, one of whom is a state fund employer who
employs one hundred or more employees, and one of whom is a
state fund employer who employs less than one hundred employees;
two members shall be individuals who, on account of their
vocation, employment, or affiliations, can be classed as
investment and securities experts who have direct experience in
the management, analysis, supervision, or investment of assets
and are residents of this state; one member who shall be a
certified public accountant; one member who shall be an actuary
who is a member in good standing with the American academy of
actuaries or who is an associate or fellow with the casualty
actuarial society; and one member shall represent the public and
also be an individual who, on account of the individual's
previous vocation, employment, or affiliations, cannot be
classed as either predominantly representative of employees or
of employers. The governor shall select the chairperson of the
board who shall serve as chairperson at the pleasure of the
governor.

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 196
governor; 197

(6) Contract with all of the following: 198

(a) An independent actuarial firm to assist the board in 199
making recommendations to the administrator regarding premium 200
rates; 201

(b) An outside investment counsel to assist the workers' 202
compensation investment committee in fulfilling its duties; 203

(c) An independent fiduciary counsel to assist the board 204
in the performance of its duties. 205

(7) Approve the investment policy developed by the 206
workers' compensation investment committee pursuant to section 207
4121.129 of the Revised Code if the policy satisfies the 208
requirements specified in section 4123.442 of the Revised Code; 209

(8) Review and publish the investment policy no less than 210
annually and make copies available to interested parties; 211

(9) Prohibit, on a prospective basis, any specific 212
investment it finds to be contrary to the investment policy 213
approved by the board; 214

(10) Vote to open each investment class and allow the 215
administrator to invest in an investment class only if the 216
board, by a majority vote, opens that class; 217

(11) After opening a class but prior to the administrator 218
investing in that class, adopt rules establishing due diligence 219
standards for employees of the bureau to follow when investing 220
in that class and establish policies and procedures to review 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 and the protection of public	242
health care workers from exposure incidents.	243
As used in this division, "public health care worker" and	244
"exposure incident" have the same meanings as in section 4167.25	245
of the Revised Code.	246
(14) Perform all duties required under this chapter and	247
Chapters 4123., 4125., 4127., 4131., 4133., and 4167. of the	248
Revised Code;	249

(15) Meet with the governor on an annual basis to discuss	250
the administrator's performance of the duties specified in this	251
chapter and Chapters 4123., 4125., 4127., 4131., 4133., and	252
4167. of the Revised Code;	253
(16) Develop and participate in a bureau of workers'	254
compensation board of directors education program that consists	255
of all of the following:	256
(a) An orientation component for newly appointed members;	257
(b) A continuing education component for board members who	258
have served for at least one year;	259
(c) A curriculum that includes education about each of the	260
following topics:	261
(i) Board member duties and responsibilities;	262
(ii) Compensation and benefits paid pursuant to this	263
chapter and Chapters 4123., 4127., and 4131. of the Revised	264
Code;	265
(iii) Ethics;	266
(iv) Governance processes and procedures;	267
(v) Actuarial soundness;	268
(vi) Investments;	269
(vii) Any other subject matter the board believes is	270
reasonably related to the duties of a board member.	271
(17) <u>(16)</u> Hold all sessions, classes, and other events for	272
the program developed pursuant to division (F) (16) <u>(F) (15)</u> of	273
this section in this state.	274
(G) The board may do both of the following:	275

(1) Vote to close any investment class;	276
(2) Create any committees in addition to the workers'	277
compensation audit committee, the workers' compensation	278
actuarial committee, and the workers' compensation investment	279
committee that the board determines are necessary to assist the	280
board in performing its duties.	281
(H) The office of a member of the board who is convicted	282
of or pleads guilty to a felony, a theft offense as defined in	283
section 2913.01 of the Revised Code, or a violation of section	284
102.02, 102.03, 102.04, 2921.02, 2921.11, 2921.13, 2921.31,	285
2921.41, 2921.42, 2921.43, or 2921.44 of the Revised Code shall	286
be deemed vacant. The vacancy shall be filled in the same manner	287
as the original appointment. A person who has pleaded guilty to	288
or been convicted of an offense of that nature is ineligible to	289
be a member of the board. A member who receives a bill of	290
indictment for any of the offenses specified in this section	291
shall be automatically suspended from the board pending	292
resolution of the criminal matter.	293
(I) For the purposes of division (C) (1) of section 121.22	294
of the Revised Code, the meeting between the governor and the	295
board to review the administrator's performance as required	296
under division (F) (15) of this section shall be considered a	297
meeting regarding the employment of the	298
administrator. <u>Notwithstanding any provision to the contrary in</u>	299
<u>section 3.17 of the Revised Code, a board member who fails to</u>	300
<u>attend nine or more board meetings, including regular and</u>	301
<u>special meetings, during any consecutive twelve-month period</u>	302
<u>forfeits the member's position on the board. The resulting</u>	303
<u>vacancy shall be filled in the same manner as the original</u>	304
<u>appointment.</u>	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
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(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
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(e) Perform other duties assigned to it by the administrator. 556
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(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
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(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
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(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
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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. 4123.44. The members of the bureau of workers' 646
compensation board of directors, the administrator of workers' 647
compensation, and the bureau of workers' compensation chief 648
investment officer are ~~the trustees of~~ fiduciaries to the state 649
insurance fund. The administrator, in accordance with sections 650
4121.126 and 4121.127 of the Revised Code and the investment 651
policy approved by the board pursuant to section 4121.12 of the 652
Revised Code, and in consultation with the bureau of workers' 653
compensation chief investment officer, may invest any of the 654
surplus or reserve belonging to the state insurance fund. The 655
administrator and the bureau of workers' compensation chief 656
investment officer shall not deviate from the investment policy 657
approved by the board without the approval of the workers' 658
compensation investment committee and the board. 659

The administrator shall not invest in any type of 660
investment specified in divisions (B)(1) to (10) of section 661
4123.442 of the Revised Code. The administrator shall not make 662
an investment decision with the primary purpose of influencing 663
any social or environmental policy or attempting to influence 664
the governance of any corporation. 665

The administrator and other fiduciaries shall discharge 666
their duties with respect to the funds with the care, skill, 667
prudence, and diligence under the circumstances then prevailing 668
that a prudent person acting in a like capacity and familiar 669
with such matters would use in the conduct of an enterprise of a 670
like character and with like aims, and by diversifying the 671
investments of the assets of the funds so as to minimize the 672
risk of large losses, unless under the circumstances it is 673
clearly prudent not to do so. 674

The administrator and other fiduciaries, in accordance 675
with their fiduciary duties described under this section, shall 676
make investment decisions with the sole purpose of maximizing 677
the return on investments and that are consistent with any other 678
fiduciary responsibilities of the administrator and other 679
fiduciaries under this chapter and Chapters 4121., 4127., and 680
4131. of the Revised Code. 681

To facilitate investment of the funds, the administrator 682
may establish a partnership, trust, limited liability company, 683
corporation, including a corporation exempt from taxation under 684
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 685
amended, or any other legal entity authorized to transact 686
business in this state. 687

When reporting on the performance of investments, the 688
administrator shall comply with the performance presentation 689
standards established by the association for investment 690
management and research. 691

All investments shall be purchased at current market 692
prices and the evidences of title to the investments shall be 693
placed in the custody of the treasurer of state, who is hereby 694
designated as custodian, or in the custody of the treasurer of 695

state's authorized agent. Evidences of title of the investments 696
so purchased may be deposited by the treasurer of state for 697
safekeeping with an authorized agent selected by the treasurer 698
of state who is a qualified trustee under section 135.18 of the 699
Revised Code. The treasurer of state or the agent shall collect 700
the principal, dividends, distributions, and interest as they 701
become due and payable and place them when collected into the 702
state insurance fund. 703

The treasurer of state shall pay for investments purchased 704
by the administrator on receipt of written or electronic 705
instructions from the administrator or the administrator's 706
designated agent authorizing the purchase, and pending receipt 707
of the evidence of title of the investment by the treasurer of 708
state or the treasurer of state's authorized agent. The 709
administrator may sell investments held by the administrator, 710
and the treasurer of state or the treasurer of state's 711
authorized agent shall accept payment from the purchaser and 712
deliver evidence of title of the investment to the purchaser, on 713
receipt of written or electronic instructions from the 714
administrator or the administrator's designated agent 715
authorizing the sale, and pending receipt of the moneys for the 716
investments. The amount received shall be placed in the state 717
insurance fund. The administrator and the treasurer of state may 718
enter into agreements to establish procedures for the purchase 719
and sale of investments under this division and the custody of 720
the investments. 721

No purchase or sale of any investment shall be made under 722
this section, except as authorized by the administrator. 723

Any statement of financial position distributed by the 724
administrator shall include the fair value, as of the statement 725

date, of all investments held by the administrator under this 726
section. 727

When in the judgment of the administrator it is necessary 728
to provide available funds for the payment of compensation or 729
benefits under this chapter, the administrator may borrow money 730
from any available source and pledge as security a sufficient 731
amount of bonds or other securities in which the state insurance 732
fund is invested. The aggregate unpaid amount of loans existing 733
at any one time for money so borrowed shall not exceed ten 734
million dollars. The bonds or other securities so pledged as 735
security for such loans to the administrator shall be the sole 736
security for the payment of the principal and interest of any 737
such loan. The administrator shall not be personally liable for 738
the payment of the principal or the interest of any such loan. 739
No such loan shall be made for a longer period of time than one 740
year. Such loans may be renewed but no one renewal shall be for 741
a period in excess of one year. Such loans shall bear such rate 742
of interest as the administrator determines and in negotiating 743
the loans, the administrator shall endeavor to secure as 744
favorable interest rates and terms as circumstances will permit. 745

The treasurer of state may deliver to the person or 746
governmental agency making such loan, the bonds or other 747
securities which are to be pledged by the administrator as 748
security for such loan, upon receipt by the treasurer of state 749
of an order of the administrator authorizing such loan. Upon 750
payment of any such loan by the administrator, the bonds or 751
other securities pledged as security therefor shall be returned 752
to the treasurer of state as custodian of such bonds. 753

The administrator may pledge with the treasurer of state 754
such amount of bonds or other securities in which the state 755

insurance fund is invested as is reasonably necessary as 756
security for any certificates issued, or paid out, by the 757
treasurer of state upon any warrants drawn by the administrator. 758

The administrator may secure investment information 759
services, consulting services, and other like services to 760
facilitate investment of the surplus and reserve belonging to 761
the state insurance fund. The administrator shall pay the 762
expense of securing such services from the state insurance fund. 763

The board and administrator shall not take any action to 764
promote a policy under which the administrator makes investment 765
decisions with the primary purpose of influencing any social or 766
environmental policy or attempting to influence the governance 767
of any corporation. 768

Sec. 4123.52. (A) The jurisdiction of the industrial 769
commission and the authority of the administrator of workers' 770
compensation over each case is continuing, and the commission 771
may make such modification or change with respect to former 772
findings or orders with respect thereto, as, in its opinion is 773
justified. No modification or change nor any finding or award in 774
respect of any claim shall be made with respect to disability, 775
compensation, dependency, or benefits, after five years from the 776
date of injury in the absence of medical benefits being provided 777
under this chapter or in the absence of payment of compensation 778
under section 4123.57, 4123.58, or division (A) or (B) of 779
section 4123.56 of the Revised Code or wages in lieu of 780
compensation in a manner so as to satisfy the requirements of 781
section 4123.84 of the Revised Code, in which event the 782
modification, change, finding, or award shall be made within 783
five years from the date of the last medical services being 784
rendered or the date of the last payment of compensation or from 785

the date of death, nor unless written notice of claim for the 786
specific part or parts of the body injured or disabled has been 787
given as provided in section 4123.84 or 4123.85 of the Revised 788
Code. The commission shall not make any modification, change, 789
finding, or award which shall award compensation for a back 790
period in excess of two years prior to the date of filing 791
application therefor. 792

~~(B)~~ (B) (1) As used in this division, "prosthetic device" 793
means a custom fabricated or fitted device used to replace a 794
missing appendage or other external body part. "Prosthetic 795
device" includes an artificial limb, hand, foot, or eye or an 796
intraocular lens. "Prosthetic device" does not include a dental 797
appliance, eyeglasses, hearing aid, ostomy product, or any other 798
item that does not have a significant impact on the 799
musculoskeletal functions of the body such as breast prostheses, 800
eyelashes, wigs, and other cosmetic devices. 801

(2) Notwithstanding any provision to the contrary in 802
division (A) of this section, the commission or administrator 803
may, regardless of the date of injury or the last payment of 804
compensation or benefits, order payment to purchase, repair, or 805
replace a prosthetic device if the purchase, repair, or 806
replacement is necessary due to an amputation or loss that 807
resulted from an allowed injury or occupational disease. 808

(3) Ordering a payment under division (B) (2) of this 809
section does not extend the time period during which the 810
commission or administrator may modify or change a former 811
finding or order in a claim as provided under division (A) of 812
this section. 813

(C) Notwithstanding division (A) of this section, and 814
except as otherwise provided in a rule that shall be adopted by 815

the administrator, with the advice and consent of the bureau of 816
workers' compensation board of directors, neither the 817
administrator nor the commission shall make any finding or award 818
for payment of medical or vocational rehabilitation services 819
submitted for payment more than one year after the date the 820
services were rendered or more than one year after the date the 821
services became payable under division (I) of section 4123.511 822
of the Revised Code, whichever is later. No medical or 823
vocational rehabilitation provider shall bill a claimant for 824
services rendered if the administrator or commission is 825
prohibited from making that payment under this division. 826

~~(C)~~(D) Division ~~(B)~~(C) of this section does not apply to 827
requests made by the centers for medicare and medicaid services 828
in the United States department of health and human services for 829
reimbursement of conditional payments made pursuant to section 830
1395y(b) (2) of title 42, United States Code (commonly known as 831
the "Medicare Secondary Payer Act"). 832

~~(D)~~(E) This section does not affect the right of a 833
claimant to compensation accruing subsequent to the filing of 834
any such application, provided the application is filed within 835
the time limit provided in this section. 836

~~(E)~~(F) This section does not deprive the commission of its 837
continuing jurisdiction to determine the questions raised by any 838
application for modification of award which has been filed with 839
the commission after June 1, 1932, and prior to the expiration 840
of the applicable period but in respect to which no award has 841
been granted or denied during the applicable period. 842

~~(F)~~(G) The commission may, by general rules, provide for 843
the destruction of files of cases in which no further action may 844
be taken. 845

~~(G)~~ (H) The commission and administrator of workers' 846
compensation each may, by general rules, provide for the 847
retention and destruction of all other records in their 848
possession or under their control pursuant to section 121.211 849
and sections 149.34 to 149.36 of the Revised Code. The bureau of 850
workers' compensation may purchase or rent required equipment 851
for the document retention media, as determined necessary to 852
preserve the records. Photographs, microphotographs, microfilm, 853
films, or other direct or electronic document retention media, 854
when properly identified, have the same effect as the original 855
record and may be offered in like manner and may be received as 856
evidence in proceedings before the industrial commission, staff 857
hearing officers, and district hearing officers, and in any 858
court where the original record could have been introduced. 859

Sec. 4123.54. (A) Except as otherwise provided in this 860
division or divisions (I) and (K) of this section, every 861
employee, who is injured or who contracts an occupational 862
disease, and the dependents of each employee who is killed, or 863
dies as the result of an occupational disease contracted in the 864
course of employment, wherever the injury has occurred or 865
occupational disease has been contracted, is entitled to receive 866
the compensation for loss sustained on account of the injury, 867
occupational disease, or death, and the medical, nurse, and 868
hospital services and medicines, and the amount of funeral 869
expenses in case of death, as are provided by this chapter. The 870
compensation and benefits shall be provided, as applicable, 871
directly from the employee's self-insuring employer as provided 872
in section 4123.35 of the Revised Code or from the state 873
insurance fund. An employee or dependent is not entitled to 874
receive compensation or benefits under this division if the 875
employee's injury or occupational disease is either of the 876

following: 877

(1) Purposely self-inflicted; 878

(2) Caused by the employee being intoxicated, under the 879
influence of a controlled substance not prescribed by a 880
physician, certified nurse-midwife, clinical nurse specialist, 881
or certified nurse practitioner, or under the influence of 882
marihuana if being intoxicated, under the influence of a 883
controlled substance not prescribed by a physician, certified 884
nurse-midwife, clinical nurse specialist, or certified nurse 885
practitioner, or under the influence of marihuana was the 886
proximate cause of the injury. 887

(B) For the purpose of this section, provided that an 888
employer has posted written notice to employees that the results 889
of, or the employee's refusal to submit to, any chemical test 890
described under this division may affect the employee's 891
eligibility for compensation and benefits pursuant to this 892
chapter and Chapter 4121. of the Revised Code, there is a 893
rebuttable presumption that an employee is intoxicated, under 894
the influence of a controlled substance not prescribed by the 895
employee's physician, certified nurse-midwife, clinical nurse 896
specialist, or certified nurse practitioner, or under the 897
influence of marihuana and that being intoxicated, under the 898
influence of a controlled substance not prescribed by the 899
employee's physician, certified nurse-midwife, clinical nurse 900
specialist, or certified nurse practitioner, or under the 901
influence of marihuana is the proximate cause of an injury under 902
either of the following conditions: 903

(1) When any one or more of the following is true: 904

(a) The employee, through a qualifying chemical test 905

administered within eight hours of an injury, is determined to 906
have an alcohol concentration level equal to or in excess of the 907
levels established in divisions (A) (1) (b) to (i) of section 908
4511.19 of the Revised Code. 909

(b) The employee, through a qualifying chemical test 910
administered within thirty-two hours of an injury, is determined 911
to have a controlled substance not prescribed by the employee's 912
physician, certified nurse-midwife, clinical nurse specialist, 913
or certified nurse practitioner or marihuana in the employee's 914
system at a level equal to or in excess of the cutoff 915
concentration level for the particular substance as provided in 916
section ~~40.87~~40.85 of Title 49 of the Code of Federal 917
Regulations, 49 C.F.R. ~~40.87~~40.85, as ~~amended~~it existed on 918
January 1, 2024, or as subsequently amended as a result of a 919
statute or rule. 920

(c) The employee, through a qualifying chemical test 921
administered within thirty-two hours of an injury, is determined 922
to have barbiturates, benzodiazepines, or methadone in the 923
employee's system that tests above levels established by 924
laboratories certified by the United States department of health 925
and human services. 926

(2) When the employee refuses to submit to a requested 927
chemical test, on the condition that that employee is or was 928
given notice that the refusal to submit to any chemical test 929
described in division (B) (1) of this section may affect the 930
employee's eligibility for compensation and benefits under this 931
chapter and Chapter 4121. of the Revised Code. 932

(C) (1) For purposes of division (B) of this section, a 933
chemical test is a qualifying chemical test if it is 934
administered to an employee after an injury under at least one 935

of the following conditions: 936

(a) When the employee's employer had reasonable cause to 937
suspect that the employee may be intoxicated, under the 938
influence of a controlled substance not prescribed by the 939
employee's physician, certified nurse-midwife, clinical nurse 940
specialist, or certified nurse practitioner, or under the 941
influence of marihuana; 942

(b) At the request of a police officer pursuant to section 943
4511.191 of the Revised Code, and not at the request of the 944
employee's employer; 945

(c) At the request of a licensed physician, certified 946
nurse-midwife, clinical nurse specialist, or certified nurse 947
practitioner who is not employed by the employee's employer, and 948
not at the request of the employee's employer. 949

(2) As used in division (C) (1) (a) of this section, 950
"reasonable cause" means, but is not limited to, evidence that 951
an employee is or was using alcohol, a controlled substance, or 952
marihuana drawn from specific, objective facts and reasonable 953
inferences drawn from these facts in light of experience and 954
training. These facts and inferences may be based on, but are 955
not limited to, any of the following: 956

(a) Observable phenomena, such as direct observation of 957
use, possession, or distribution of alcohol, a controlled 958
substance, or marihuana, or of the physical symptoms of being 959
under the influence of alcohol, a controlled substance, or 960
marihuana, such as but not limited to slurred speech; dilated 961
pupils; odor of alcohol, a controlled substance, or marihuana; 962
changes in affect; or dynamic mood swings; 963

(b) A pattern of abnormal conduct, erratic or aberrant 964

behavior, or deteriorating work performance such as frequent 965
absenteeism, excessive tardiness, or recurrent accidents, that 966
appears to be related to the use of alcohol, a controlled 967
substance, or marihuana, and does not appear to be attributable 968
to other factors; 969

(c) The identification of an employee as the focus of a 970
criminal investigation into unauthorized possession, use, or 971
trafficking of a controlled substance or marihuana; 972

(d) A report of use of alcohol, a controlled substance, or 973
marihuana provided by a reliable and credible source; 974

(e) Repeated or flagrant violations of the safety or work 975
rules of the employee's employer, that are determined by the 976
employee's supervisor to pose a substantial risk of physical 977
injury or property damage and that appear to be related to the 978
use of alcohol, a controlled substance, or marihuana and that do 979
not appear attributable to other factors. 980

(D) Nothing in this section shall be construed to affect 981
the rights of an employer to test employees for alcohol or 982
controlled substance abuse. 983

(E) For the purpose of this section, laboratories 984
certified by the United States department of health and human 985
services or laboratories that meet or exceed the standards of 986
that department for laboratory certification shall be used for 987
processing the test results of a qualifying chemical test. 988

(F) The written notice required by division (B) of this 989
section shall be the same size or larger than the proof of 990
workers' compensation coverage furnished by the bureau of 991
workers' compensation and shall be posted by the employer in the 992
same location as the proof of workers' compensation coverage or 993

the certificate of self-insurance. 994

(G) If a condition that pre-existed an injury is 995
substantially aggravated by the injury, and that substantial 996
aggravation is documented by objective diagnostic findings, 997
objective clinical findings, or objective test results, no 998
compensation or benefits are payable because of the pre-existing 999
condition once that condition has returned to a level that would 1000
have existed without the injury. 1001

(H) (1) Whenever, with respect to an employee of an 1002
employer who is subject to and has complied with this chapter, 1003
there is possibility of conflict with respect to the application 1004
of workers' compensation laws because the contract of employment 1005
is entered into and all or some portion of the work is or is to 1006
be performed in a state or states other than Ohio, the employer 1007
and the employee may agree to be bound by the laws of this state 1008
or by the laws of some other state in which all or some portion 1009
of the work of the employee is to be performed. The agreement 1010
shall be in writing and shall be filed with the bureau of 1011
workers' compensation within ten days after it is executed and 1012
shall remain in force until terminated or modified by agreement 1013
of the parties similarly filed. If the agreement is to be bound 1014
by the laws of this state and the employer has complied with 1015
this chapter, then the employee is entitled to compensation and 1016
benefits regardless of where the injury occurs or the disease is 1017
contracted and the rights of the employee and the employee's 1018
dependents under the laws of this state are the exclusive remedy 1019
against the employer on account of injury, disease, or death in 1020
the course of and arising out of the employee's employment. If 1021
the agreement is to be bound by the laws of another state and 1022
the employer has complied with the laws of that state, the 1023
rights of the employee and the employee's dependents under the 1024

laws of that state are the exclusive remedy against the employer 1025
on account of injury, disease, or death in the course of and 1026
arising out of the employee's employment without regard to the 1027
place where the injury was sustained or the disease contracted. 1028
If an employer and an employee enter into an agreement under 1029
this division, the fact that the employer and the employee 1030
entered into that agreement shall not be construed to change the 1031
status of an employee whose continued employment is subject to 1032
the will of the employer or the employee, unless the agreement 1033
contains a provision that expressly changes that status. 1034

(2) If an employee or the employee's dependents receive an 1035
award of compensation or benefits under this chapter or Chapter 1036
4121., 4127., or 4131. of the Revised Code for the same injury, 1037
occupational disease, or death for which the employee or the 1038
employee's dependents previously pursued or otherwise elected to 1039
accept workers' compensation benefits and received a decision on 1040
the merits as defined in section 4123.542 of the Revised Code 1041
under the laws of another state or recovered damages under the 1042
laws of another state, the claim shall be disallowed and the 1043
administrator or any self-insuring employer, by any lawful 1044
means, may collect from the employee or the employee's 1045
dependents any of the following: 1046

(a) The amount of compensation or benefits paid to or on 1047
behalf of the employee or the employee's dependents by the 1048
administrator or a self-insuring employer pursuant to this 1049
chapter or Chapter 4121., 4127., or 4131. of the Revised Code 1050
for that award; 1051

(b) Any interest, attorney's fees, and costs the 1052
administrator or the self-insuring employer incurs in collecting 1053
that payment. 1054

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

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

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

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

(4) If the employee's employer pays premiums into the
state insurance fund, the administrator shall not charge the
amount of compensation or benefits the administrator collects
pursuant to division (H) (2) or (3) of this section to the
employer's experience. If the administrator collects any costs

incurred by an employer in contesting or responding to any claim 1085
pursuant to division (H) (2) or (3) of this section, the 1086
administrator shall forward the amount collected to that 1087
employer. If the employee's employer is a self-insuring 1088
employer, the self-insuring employer shall deduct the amount of 1089
compensation or benefits the self-insuring employer collects 1090
pursuant to this division from the paid compensation the self- 1091
insuring employer reports to the administrator under division 1092
(L) of section 4123.35 of the Revised Code. 1093

(5) If an employee is a resident of a state other than 1094
this state and is insured under the workers' compensation law or 1095
similar laws of a state other than this state, the employee and 1096
the employee's dependents are not entitled to receive 1097
compensation or benefits under this chapter, on account of 1098
injury, disease, or death arising out of or in the course of 1099
employment while temporarily within this state, and the rights 1100
of the employee and the employee's dependents under the laws of 1101
the other state are the exclusive remedy against the employer on 1102
account of the injury, disease, or death. 1103

(6) An employee, or the dependent of an employee, who 1104
elects to receive compensation and benefits under this chapter 1105
or Chapter 4121., 4127., or 4131. of the Revised Code for a 1106
claim may not receive compensation and benefits under the 1107
workers' compensation laws of any state other than this state 1108
for that same claim. For each claim submitted by or on behalf of 1109
an employee, the administrator or, if the employee is employed 1110
by a self-insuring employer, the self-insuring employer, shall 1111
request the employee or the employee's dependent to sign an 1112
election that affirms the employee's or employee's dependent's 1113
acceptance of electing to receive compensation and benefits 1114
under this chapter or Chapter 4121., 4127., or 4131. of the 1115

Revised Code for that claim that also affirmatively waives and 1116
releases the employee's or the employee's dependent's right to 1117
file for and receive compensation and benefits under the laws of 1118
any state other than this state for that claim. The employee or 1119
employee's dependent shall sign the election form within twenty- 1120
eight days after the administrator or self-insuring employer 1121
submits the request or the administrator or self-insuring 1122
employer shall dismiss that claim. 1123

In the event a workers' compensation claim has been filed 1124
in another jurisdiction on behalf of an employee or the 1125
dependents of an employee, and the employee or dependents 1126
subsequently elect to receive compensation, benefits, or both 1127
under this chapter or Chapter 4121., 4127., or 4131. of the 1128
Revised Code, the employee or dependent shall withdraw or refuse 1129
acceptance of the workers' compensation claim filed in the other 1130
jurisdiction in order to pursue compensation or benefits under 1131
the laws of this state. If the employee or dependents were 1132
awarded workers' compensation benefits or had recovered damages 1133
under the laws of the other state, any compensation and benefits 1134
awarded under this chapter or Chapter 4121., 4127., or 4131. of 1135
the Revised Code shall be paid only to the extent to which those 1136
payments exceed the amounts paid under the laws of the other 1137
state. If the employee or dependent fails to withdraw or to 1138
refuse acceptance of the workers' compensation claim in the 1139
other jurisdiction within twenty-eight days after a request made 1140
by the administrator or a self-insuring employer, the 1141
administrator or self-insuring employer shall dismiss the 1142
employee's or employee's dependents' claim made in this state. 1143

(I) If an employee who is covered under the federal 1144
"Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 1145
33 U.S.C. 901 et seq., is injured or contracts an occupational 1146

disease or dies as a result of an injury or occupational 1147
disease, and if that employee's or that employee's dependents' 1148
claim for compensation or benefits for that injury, occupational 1149
disease, or death is subject to the jurisdiction of that act, 1150
the employee or the employee's dependents are not entitled to 1151
apply for and shall not receive compensation or benefits under 1152
this chapter and Chapter 4121. of the Revised Code. The rights 1153
of such an employee and the employee's dependents under the 1154
federal "Longshore and Harbor Workers' Compensation Act," 98 1155
Stat. 1639, 33 U.S.C. 901 et seq., are the exclusive remedy 1156
against the employer for that injury, occupational disease, or 1157
death. 1158

(J) Compensation or benefits are not payable to a claimant 1159
or a dependent during the period of confinement of the claimant 1160
or dependent in any state or federal correctional institution, 1161
or in any county jail in lieu of incarceration in a state or 1162
federal correctional institution, whether in this or any other 1163
state for conviction of violation of any state or federal 1164
criminal law. 1165

(K) An employer, upon the approval of the administrator, 1166
may provide for workers' compensation coverage for the 1167
employer's employees who are professional athletes and coaches 1168
by submitting to the administrator proof of coverage under a 1169
league policy issued under the laws of another state under 1170
either of the following circumstances: 1171

(1) The employer administers the payroll and workers' 1172
compensation insurance for a professional sports team subject to 1173
a collective bargaining agreement, and the collective bargaining 1174
agreement provides for the uniform administration of workers' 1175
compensation benefits and compensation for professional 1176

athletes. 1177

(2) The employer is a professional sports league, or is a 1178
member team of a professional sports league, and all of the 1179
following apply: 1180

(a) The professional sports league operates as a single 1181
entity, whereby all of the players and coaches of the sports 1182
league are employees of the sports league and not of the 1183
individual member teams. 1184

(b) The professional sports league at all times maintains 1185
workers' compensation insurance that provides coverage for the 1186
players and coaches of the sports league. 1187

(c) Each individual member team of the professional sports 1188
league, pursuant to the organizational or operating documents of 1189
the sports league, is obligated to the sports league to pay to 1190
the sports league any workers' compensation claims that are not 1191
covered by the workers' compensation insurance maintained by the 1192
sports league. 1193

If the administrator approves the employer's proof of 1194
coverage submitted under division (K) of this section, a 1195
professional athlete or coach who is an employee of the employer 1196
and the dependents of the professional athlete or coach are not 1197
entitled to apply for and shall not receive compensation or 1198
benefits under this chapter and Chapter 4121. of the Revised 1199
Code. The rights of such an athlete or coach and the dependents 1200
of such an athlete or coach under the laws of the state where 1201
the policy was issued are the exclusive remedy against the 1202
employer for the athlete or coach if the athlete or coach 1203
suffers an injury or contracts an occupational disease in the 1204
course of employment, or for the dependents of the athlete or 1205

the coach if the athlete or coach is killed as a result of an 1206
injury or dies as a result of an occupational disease, 1207
regardless of the location where the injury was suffered or the 1208
occupational disease was contracted. 1209

Sec. 4123.57. Partial disability compensation shall be 1210
paid as follows. 1211

Except as provided in this section, not earlier than 1212
twenty-six weeks after the date of termination of the latest 1213
period of payments under section 4123.56 of the Revised Code or 1214
twenty-six weeks after the termination of wages in lieu of those 1215
payments, or not earlier than twenty-six weeks after the date of 1216
the injury or contraction of an occupational disease in the 1217
absence of payments under section 4123.56 of the Revised Code or 1218
wages in lieu of those payments, the employee may file an 1219
application with the bureau of workers' compensation for the 1220
determination of the percentage of the employee's permanent 1221
partial disability resulting from an injury or occupational 1222
disease. 1223

Whenever the application is filed, the bureau shall send a 1224
copy of the application to the employee's employer or the 1225
employer's representative and shall schedule the employee for a 1226
medical examination by the bureau medical section. The bureau 1227
shall send a copy of the report of the medical examination to 1228
the employee, the employer, and their representatives. 1229
Thereafter, the administrator of workers' compensation shall 1230
review the employee's claim file and make a tentative order as 1231
the evidence before the administrator at the time of the making 1232
of the order warrants. If the administrator determines that 1233
there is a conflict of evidence, the administrator shall send 1234
the application, along with the claimant's file, to the district 1235

hearing officer who shall set the application for a hearing. 1236

If an employee fails to respond to an attempt to schedule 1237
a medical examination by the bureau medical section, or fails to 1238
attend a medical examination scheduled under this section 1239
without notice or explanation, the employee's application for a 1240
finding shall be dismissed without prejudice. The employee may 1241
refile the application. A dismissed application does not toll 1242
the continuing jurisdiction of the industrial commission under 1243
section 4123.52 of the Revised Code. The administrator shall 1244
adopt rules addressing the manner in which an employee will be 1245
notified of a possible dismissal and how an employee may refile 1246
an application for a determination. 1247

The administrator shall notify the employee, the employer, 1248
and their representatives, in writing, of the tentative order 1249
and of the parties' right to request a hearing. Unless the 1250
employee, the employer, or their representative notifies the 1251
administrator, in writing, of an objection to the tentative 1252
order within twenty days after receipt of the notice thereof, 1253
the tentative order shall go into effect and the employee shall 1254
receive the compensation provided in the order. In no event 1255
shall there be a reconsideration of a tentative order issued 1256
under this division. 1257

If the employee, the employer, or their representatives 1258
timely notify the administrator of an objection to the tentative 1259
order, the matter shall be referred to a district hearing 1260
officer who shall set the application for hearing with written 1261
notices to all interested persons. Upon referral to a district 1262
hearing officer, the employer may obtain a medical examination 1263
of the employee, pursuant to rules of the industrial commission. 1264

(A) The district hearing officer, upon the application, 1265

shall determine the percentage of the employee's permanent 1266
disability, except as is subject to division (B) of this 1267
section, based upon that condition of the employee resulting 1268
from the injury or occupational disease and causing permanent 1269
impairment evidenced by medical or clinical findings reasonably 1270
demonstrable. The employee shall receive sixty-six and two- 1271
thirds per cent of the employee's average weekly wage, but not 1272
more than a maximum of thirty-three and one-third per cent of 1273
the statewide average weekly wage as defined in division (C) of 1274
section 4123.62 of the Revised Code, per week regardless of the 1275
average weekly wage, for the number of weeks which equals the 1276
percentage of two hundred weeks. Except on application for 1277
reconsideration, review, or modification, which is filed within 1278
ten days after the date of receipt of the decision of the 1279
district hearing officer, in no instance shall the former award 1280
be modified unless it is found from medical or clinical findings 1281
that the condition of the claimant resulting from the injury has 1282
so progressed as to have increased the percentage of permanent 1283
partial disability. A staff hearing officer shall hear an 1284
application for reconsideration filed and the staff hearing 1285
officer's decision is final. An employee may file an application 1286
for a subsequent determination of the percentage of the 1287
employee's permanent disability. If such an application is 1288
filed, the bureau shall send a copy of the application to the 1289
employer or the employer's representative. No sooner than sixty 1290
days from the date of the mailing of the application to the 1291
employer or the employer's representative, the administrator 1292
shall review the application. The administrator may require a 1293
medical examination or medical review of the employee. The 1294
administrator shall issue a tentative order based upon the 1295
evidence before the administrator, provided that if the 1296
administrator requires a medical examination or medical review, 1297

the administrator shall not issue the tentative order until the 1298
completion of the examination or review. 1299

The employer may obtain a medical examination of the 1300
employee and may submit medical evidence at any stage of the 1301
process up to a hearing before the district hearing officer, 1302
pursuant to rules of the commission. The administrator shall 1303
notify the employee, the employer, and their representatives, in 1304
writing, of the nature and amount of any tentative order issued 1305
on an application requesting a subsequent determination of the 1306
percentage of an employee's permanent disability. An employee, 1307
employer, or their representatives may object to the tentative 1308
order within twenty days after the receipt of the notice 1309
thereof. If no timely objection is made, the tentative order 1310
shall go into effect. In no event shall there be a 1311
reconsideration of a tentative order issued under this division. 1312
If an objection is timely made, the application for a subsequent 1313
determination shall be referred to a district hearing officer 1314
who shall set the application for a hearing with written notice 1315
to all interested persons. No application for subsequent 1316
percentage determinations on the same claim for injury or 1317
occupational disease shall be accepted for review by the 1318
district hearing officer unless supported by substantial 1319
evidence of new and changed circumstances developing since the 1320
time of the hearing on the original or last determination. 1321

No award shall be made under this division based upon a 1322
percentage of disability which, when taken with all other 1323
percentages of permanent disability, exceeds one hundred per 1324
cent. If the percentage of the permanent disability of the 1325
employee equals or exceeds ninety per cent, compensation for 1326
permanent partial disability shall be paid for two hundred 1327
weeks. 1328

Compensation payable under this division accrues and is 1329
payable to the employee from the date of last payment of 1330
compensation, or, in cases where no previous compensation has 1331
been paid, from the date of the injury or the date of the 1332
diagnosis of the occupational disease. 1333

When an award under this division has been made prior to 1334
the death of an employee, all unpaid installments accrued or to 1335
accrue under the provisions of the award are payable to the 1336
surviving spouse, or if there is no surviving spouse, to the 1337
dependent children of the employee, and if there are no children 1338
surviving, then to other dependents as the administrator 1339
determines. 1340

(B) For purposes of this division, "payable per week" 1341
means the seven-consecutive-day period in which compensation is 1342
paid in installments according to the schedule associated with 1343
the applicable injury as set forth in this division. 1344

Compensation paid in weekly installments according to the 1345
schedule described in this division may only be commuted to one 1346
or more lump sum payments pursuant to the procedure set forth in 1347
section 4123.64 of the Revised Code. 1348

In cases included in the following schedule the 1349
compensation payable per week to the employee is the statewide 1350
average weekly wage as defined in division (C) of section 1351
4123.62 of the Revised Code per week and shall be paid in 1352
installments according to the following schedule: 1353

For the loss of a first finger, commonly known as a thumb, 1354
sixty weeks. 1355

For the loss of a second finger, commonly called index 1356
finger, thirty-five weeks. 1357

For the loss of a third finger, thirty weeks.	1358
For the loss of a fourth finger, twenty weeks.	1359
For the loss of a fifth finger, commonly known as the little finger, fifteen weeks.	1360 1361
The loss of a second, or distal, phalange of the thumb is considered equal to the loss of one half of such thumb; the loss of more than one half of such thumb is considered equal to the loss of the whole thumb.	1362 1363 1364 1365
The loss of the third, or distal, phalange of any finger is considered equal to the loss of one-third of the finger.	1366 1367
The loss of the middle, or second, phalange of any finger is considered equal to the loss of two-thirds of the finger.	1368 1369
The loss of more than the middle and distal phalanges of any finger is considered equal to the loss of the whole finger. In no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.	1370 1371 1372 1373 1374
For the loss of the metacarpal bone (bones of the palm) for the corresponding thumb, or fingers, add ten weeks to the number of weeks under this division.	1375 1376 1377
For ankylosis (total stiffness of) or contractures (due to scars or injuries) which makes any of the fingers, thumbs, or parts of either useless, the same number of weeks apply to the members or parts thereof as given for the loss thereof.	1378 1379 1380 1381
If the claimant has suffered the loss of two or more fingers by amputation or ankylosis and the nature of the claimant's employment in the course of which the claimant was working at the time of the injury or occupational disease is	1382 1383 1384 1385

such that the impairment or disability resulting from the loss 1386
of fingers, or loss of use of fingers, exceeds the normal 1387
impairment or disability resulting from the loss of fingers, or 1388
loss of use of fingers, the administrator may take that fact 1389
into consideration and increase the award of compensation 1390
accordingly, but the award made shall not exceed the amount of 1391
compensation for loss of a hand. 1392

For the loss of a hand, one hundred seventy-five weeks. 1393

For the loss of an arm, two hundred twenty-five weeks. 1394

For the loss of a great toe, thirty weeks. 1395

For the loss of one of the toes other than the great toe, 1396
ten weeks. 1397

The loss of more than two-thirds of any toe is considered 1398
equal to the loss of the whole toe. 1399

The loss of less than two-thirds of any toe is considered 1400
no loss, except as to the great toe; the loss of the great toe 1401
up to the interphalangeal joint is co-equal to the loss of one- 1402
half of the great toe; the loss of the great toe beyond the 1403
interphalangeal joint is considered equal to the loss of the 1404
whole great toe. 1405

For the loss of a foot, one hundred fifty weeks. 1406

For the loss of a leg, two hundred weeks. 1407

For the loss of the sight of an eye, one hundred twenty- 1408
five weeks. 1409

For the permanent partial loss of sight of an eye, the 1410
portion of one hundred twenty-five weeks as the administrator in 1411
each case determines, based upon the percentage of vision 1412

actually lost as a result of the injury or occupational disease, 1413
but, in no case shall an award of compensation be made for less 1414
than twenty-five per cent loss of uncorrected vision. "Loss of 1415
uncorrected vision" means the percentage of vision actually lost 1416
as the result of the injury or occupational disease. 1417

For the permanent and total loss of hearing of one ear, 1418
twenty-five weeks; but in no case shall an award of compensation 1419
be made for less than permanent and total loss of hearing of one 1420
ear. 1421

For the permanent and total loss of hearing, one hundred 1422
twenty-five weeks; but, except pursuant to the next preceding 1423
paragraph, in no case shall an award of compensation be made for 1424
less than permanent and total loss of hearing. 1425

In case an injury or occupational disease results in 1426
serious facial or head disfigurement which either impairs or may 1427
in the future impair the opportunities to secure or retain 1428
employment, the administrator shall make an award of 1429
compensation as it deems proper and equitable, in view of the 1430
nature of the disfigurement, and not to exceed the sum of ten 1431
thousand dollars. For the purpose of making the award, it is not 1432
material whether the employee is gainfully employed in any 1433
occupation or trade at the time of the administrator's 1434
determination. 1435

When an award under this division has been made prior to 1436
the death of an employee all unpaid installments accrued or to 1437
accrue under the provisions of the award shall be payable to the 1438
surviving spouse, or if there is no surviving spouse, to the 1439
dependent children of the employee and if there are no such 1440
children, then to such dependents as the administrator 1441
determines. 1442

When an employee has sustained the loss of a member by 1443
severance, but no award has been made on account thereof prior 1444
to the employee's death, the administrator shall make an award 1445
in accordance with this division for the loss which shall be 1446
payable to the surviving spouse, or if there is no surviving 1447
spouse, to the dependent children of the employee and if there 1448
are no such children, then to such dependents as the 1449
administrator determines. 1450

(C) Compensation for partial impairment under divisions 1451
(A) and (B) of this section is in addition to the compensation 1452
paid the employee pursuant to section 4123.56 of the Revised 1453
Code. A claimant may receive compensation under divisions (A) 1454
and (B) of this section. 1455

In all cases arising under division (B) of this section, 1456
if it is determined by any one of the following: (1) the amputee 1457
clinic at University hospital, Ohio state university; (2) the 1458
opportunities for Ohioans with disabilities agency; (3) an 1459
amputee clinic or prescribing physician approved by the 1460
administrator or the administrator's designee, that an injured 1461
or disabled employee is in need of an artificial appliance, or 1462
in need of a repair thereof, regardless of whether the appliance 1463
or its repair will be serviceable in the vocational 1464
rehabilitation of the injured employee, and regardless of 1465
whether the employee has returned to or can ever again return to 1466
any gainful employment, the bureau shall pay the cost of the 1467
artificial appliance or its repair out of the surplus created by 1468
division (B) of section 4123.34 of the Revised Code. 1469

Notwithstanding any provision in this division to the 1470
contrary, when a claimant has sustained an amputation or a loss 1471
enumerated in division (B) of this section as a result of an 1472

injury or occupational disease, the administrator shall pay the 1473
cost to purchase, repair, or replace a prosthetic device as 1474
defined in division (B) of section 4123.52 from the surplus fund 1475
account created pursuant to division (B) of section 4123.34 of 1476
the Revised Code, even if no award has been made under division 1477
(B) of this section. 1478

In those cases where an opportunities for Ohioans with 1479
disabilities agency's recommendation that an injured or disabled 1480
employee is in need of an artificial appliance would conflict 1481
with their state plan, adopted pursuant to the "Rehabilitation 1482
Act of 1973," 87 Stat. 355, 29 U.S.C.A. 701, the administrator 1483
or the administrator's designee or the bureau may obtain a 1484
recommendation from an amputee clinic or prescribing physician 1485
that they determine appropriate. 1486

(D) If an employee of a state fund employer makes 1487
application for a finding and the administrator finds that the 1488
employee has contracted silicosis as defined in division (Y), or 1489
coal miners' pneumoconiosis as defined in division (Z), or 1490
asbestosis as defined in division (BB) of section 4123.68 of the 1491
Revised Code, and that a change of such employee's occupation is 1492
medically advisable in order to decrease substantially further 1493
exposure to silica dust, asbestos, or coal dust and if the 1494
employee, after the finding, has changed or shall change the 1495
employee's occupation to an occupation in which the exposure to 1496
silica dust, asbestos, or coal dust is substantially decreased, 1497
the administrator shall allow to the employee an amount equal to 1498
fifty per cent of the statewide average weekly wage per week for 1499
a period of thirty weeks, commencing as of the date of the 1500
discontinuance or change, and for a period of one hundred weeks 1501
immediately following the expiration of the period of thirty 1502
weeks, the employee shall receive sixty-six and two-thirds per 1503

cent of the loss of wages resulting directly and solely from the 1504
change of occupation but not to exceed a maximum of an amount 1505
equal to fifty per cent of the statewide average weekly wage per 1506
week. No such employee is entitled to receive more than one 1507
allowance on account of discontinuance of employment or change 1508
of occupation and benefits shall cease for any period during 1509
which the employee is employed in an occupation in which the 1510
exposure to silica dust, asbestos, or coal dust is not 1511
substantially less than the exposure in the occupation in which 1512
the employee was formerly employed or for any period during 1513
which the employee may be entitled to receive compensation or 1514
benefits under section 4123.68 of the Revised Code on account of 1515
disability from silicosis, asbestosis, or coal miners' 1516
pneumoconiosis. An award for change of occupation for a coal 1517
miner who has contracted coal miners' pneumoconiosis may be 1518
granted under this division even though the coal miner continues 1519
employment with the same employer, so long as the coal miner's 1520
employment subsequent to the change is such that the coal 1521
miner's exposure to coal dust is substantially decreased and a 1522
change of occupation is certified by the claimant as permanent. 1523
The administrator may accord to the employee medical and other 1524
benefits in accordance with section 4123.66 of the Revised Code. 1525

(E) If a firefighter or police officer makes application 1526
for a finding and the administrator finds that the firefighter 1527
or police officer has contracted a cardiovascular and pulmonary 1528
disease as defined in division (W) of section 4123.68 of the 1529
Revised Code, and that a change of the firefighter's or police 1530
officer's occupation is medically advisable in order to decrease 1531
substantially further exposure to smoke, toxic gases, chemical 1532
fumes, and other toxic vapors, and if the firefighter, or police 1533
officer, after the finding, has changed or changes occupation to 1534

an occupation in which the exposure to smoke, toxic gases, 1535
chemical fumes, and other toxic vapors is substantially 1536
decreased, the administrator shall allow to the firefighter or 1537
police officer an amount equal to fifty per cent of the 1538
statewide average weekly wage per week for a period of thirty 1539
weeks, commencing as of the date of the discontinuance or 1540
change, and for a period of seventy-five weeks immediately 1541
following the expiration of the period of thirty weeks the 1542
administrator shall allow the firefighter or police officer 1543
sixty-six and two-thirds per cent of the loss of wages resulting 1544
directly and solely from the change of occupation but not to 1545
exceed a maximum of an amount equal to fifty per cent of the 1546
statewide average weekly wage per week. No such firefighter or 1547
police officer is entitled to receive more than one allowance on 1548
account of discontinuance of employment or change of occupation 1549
and benefits shall cease for any period during which the 1550
firefighter or police officer is employed in an occupation in 1551
which the exposure to smoke, toxic gases, chemical fumes, and 1552
other toxic vapors is not substantially less than the exposure 1553
in the occupation in which the firefighter or police officer was 1554
formerly employed or for any period during which the firefighter 1555
or police officer may be entitled to receive compensation or 1556
benefits under section 4123.68 of the Revised Code on account of 1557
disability from a cardiovascular and pulmonary disease. The 1558
administrator may accord to the firefighter or police officer 1559
medical and other benefits in accordance with section 4123.66 of 1560
the Revised Code. 1561

(F) An order issued under this section is appealable 1562
pursuant to section 4123.511 of the Revised Code but is not 1563
appealable to court under section 4123.512 of the Revised Code. 1564

Sec. 4123.66. (A) In addition to the compensation provided 1565

for in this chapter, the administrator of workers' compensation 1566
shall disburse and pay from the state insurance fund the amounts 1567
for medical, nurse, and hospital services and medicine as the 1568
administrator deems proper and, in case death ensues from the 1569
injury or occupational disease, the administrator shall disburse 1570
and pay from the fund reasonable funeral expenses in an amount 1571
not to exceed seven thousand five hundred dollars. The bureau of 1572
workers' compensation shall reimburse anyone, whether dependent, 1573
volunteer, or otherwise, who pays the funeral expenses of any 1574
employee whose death ensues from any injury or occupational 1575
disease as provided in this section. The administrator may adopt 1576
rules, with the advice and consent of the bureau of workers' 1577
compensation board of directors, with respect to furnishing 1578
medical, nurse, and hospital service and medicine to injured or 1579
disabled employees entitled thereto, and for the payment 1580
therefor. In case an injury or industrial accident that injures 1581
an employee also causes damage to the employee's eyeglasses, 1582
artificial teeth or other denture, or hearing aid, or in the 1583
event an injury or occupational disease makes it necessary or 1584
advisable to replace, repair, or adjust the same, the bureau 1585
shall disburse and pay a reasonable amount to repair or replace 1586
the same. 1587

(B) The administrator, in the rules the administrator 1588
adopts pursuant to division (A) of this section, may adopt rules 1589
specifying the circumstances under which the bureau may make 1590
immediate payment for the first fill of prescription drugs for 1591
medical conditions identified in an application for compensation 1592
or benefits under section 4123.84 or 4123.85 of the Revised Code 1593
that occurs prior to the date the administrator issues an 1594
initial determination order under division (B) of section 1595
4123.511 of the Revised Code. If the claim is ultimately 1596

disallowed in a final administrative or judicial order, and if 1597
the employer is a state fund employer who pays assessments into 1598
the surplus fund account created under section 4123.34 of the 1599
Revised Code, the payments for medical services made pursuant to 1600
this division for the first fill of prescription drugs shall be 1601
charged to and paid from the surplus fund account and not 1602
charged through the state insurance fund to the employer against 1603
whom the claim was filed. 1604

(C) (1) If an employer or a welfare plan has provided to or 1605
on behalf of an employee any benefits or compensation for an 1606
injury or occupational disease and that injury or occupational 1607
disease is determined compensable under this chapter, the 1608
employer or a welfare plan may request that the administrator 1609
reimburse the employer or welfare plan for the amount the 1610
employer or welfare plan paid to or on behalf of the employee in 1611
compensation or benefits. The administrator shall reimburse the 1612
employer or welfare plan for the compensation and benefits paid 1613
if, at the time the employer or welfare plan provides the 1614
benefits or compensation to or on behalf of employee, the injury 1615
or occupational disease had not been determined to be 1616
compensable under this chapter and if the employee was not 1617
receiving compensation or benefits under this chapter for that 1618
injury or occupational disease. The administrator shall 1619
reimburse the employer or welfare plan in the amount that the 1620
administrator would have paid to or on behalf of the employee 1621
under this chapter if the injury or occupational disease 1622
originally would have been determined compensable under this 1623
chapter. If the employer is a merit-rated employer, the 1624
administrator shall adjust the amount of premium next due from 1625
the employer according to the amount the administrator pays the 1626
employer. The administrator shall adopt rules, in accordance 1627

with Chapter 119. of the Revised Code, to implement this 1628
division. 1629

(2) As used in this division, "welfare plan" has the same 1630
meaning as in division (1) of 29 U.S.C.A. 1002. 1631

(D) (1) Subject to the requirements of division (D) (2) of 1632
this section, the administrator may make a payment of up to five 1633
hundred dollars to either of the following: 1634

(a) The centers of medicare and medicaid services, for 1635
reimbursement of conditional payments made pursuant to the 1636
"Medicare Secondary Payer Act," 42 U.S.C. 1395y; 1637

(b) The Ohio department of medicaid, or a medical 1638
assistance provider to whom the department has assigned a right 1639
of recovery for a claim for which the department has notified 1640
the provider that the department intends to recoup the 1641
department's prior payment for the claim, for reimbursement 1642
under sections 5160.35 to 5160.43 of the Revised Code for the 1643
cost of medical assistance paid on behalf of a medical 1644
assistance recipient. 1645

(2) The administrator may make a payment under division 1646
(D) (1) of this section if the administrator makes a reasonable 1647
determination that ~~both~~ all of the following apply: 1648

(a) The payment is ~~for reimbursement of benefits for an~~ 1649
~~injury or occupational disease~~ in response to a request from a 1650
party listed in division (D) (1) of this section. 1651

(b) ~~The~~ There is an injury or occupational disease that is 1652
compensable, or is likely to be compensable, under this chapter 1653
or Chapter 4121., 4127., or 4131. of the Revised Code. 1654

(c) The payment will resolve the request from a party 1655

listed in division (D)(1) of this section. 1656

(3) Any payment made pursuant to this division shall be 1657
charged to and paid from the surplus fund account created under 1658
section 4123.34 of the Revised Code. 1659

(4) Nothing in this division shall be construed as 1660
limiting the centers of medicare and medicaid services, the 1661
department, or any other entity with a lawful right to 1662
reimbursement from recovering sums greater than five hundred 1663
dollars. 1664

(5) The administrator may adopt rules, with the advice and 1665
consent of the bureau of workers' compensation board of 1666
directors, to implement this division. 1667

Sec. 4125.07. (A) As used in this section, "self-insuring 1668
employer" has the same meaning as in section 4123.01 of the 1669
Revised Code. 1670

(B) Not later than thirty calendar days after the date on 1671
which a professional employer organization agreement is 1672
terminated, the professional employer organization is adjudged 1673
bankrupt, the professional employer organization ceases 1674
operations within the state of Ohio, or the registration of the 1675
professional employer organization is revoked, the professional 1676
employer organization shall submit to the administrator of 1677
workers' compensation and each client employer associated with 1678
that professional employer organization a completed workers' 1679
compensation lease termination notice form provided by the 1680
administrator. ~~The~~ If a professional employer organization is 1681
not a self-insuring employer, the completed form shall include 1682
all client payroll and claim information listed in a format 1683
specified by the administrator and notice of all workers' 1684

compensation claims that have been reported to the professional 1685
employer organization in accordance with its internal reporting 1686
policies. 1687

~~(C) (1) If a professional employer organization that is a 1688
self-insuring employer is required to submit a workers' 1689
compensation lease termination notice form under division (B) of 1690
this section, not later than thirty calendar days after the 1691
lease termination the professional employer organization shall 1692
submit all of the following to the administrator for any years 1693
necessary for the administrator to develop a state fund 1694
experience modification factor for each client employer involved 1695
in the lease termination: 1696~~

~~(a) The payroll of each client employer involved in the 1697
lease termination, organized by manual classification and year; 1698~~

~~(b) The medical and indemnity costs of each client 1699
employer involved in the lease termination, organized by claim; 1700~~

~~(c) Any other information the administrator may require to 1701
develop a state fund experience modification factor for each 1702
client employer involved in the lease termination. 1703~~

~~(2) The administrator may require a professional employer- 1704
organization to submit the information required under division 1705
(C) (1) of this section at additional times after the initial 1706
submission if the administrator determines that the information 1707
is necessary for the administrator to develop a state fund 1708
experience modification factor. 1709~~

~~(3) The administrator may revoke or refuse to renew a 1710
professional employer organization's status as a self-insuring 1711
employer if the professional employer organization fails to 1712
provide information requested by the administrator under 1713~~

~~division (C) (1) or (2) of this section.~~ 1714

~~(D) The administrator shall use the information provided~~ 1715
~~under division (C) of this section to develop a state fund~~ 1716
~~experience modification factor for each client employer involved~~ 1717
~~in a lease termination with a professional employer organization~~ 1718
~~that is a self-insuring employer.~~ 1719

~~(E)~~ (C) A professional employer organization shall report 1720
any transfer of employees between related professional employer 1721
organization entities or professional employer organization 1722
reporting entities to the administrator within fourteen calendar 1723
days after the date of the transfer on a form prescribed by the 1724
administrator. The If the professional employer organization is 1725
not a self-insuring employer, the professional employer 1726
organization or professional employer organization reporting 1727
entity shall include in the form all client payroll and claim 1728
information regarding the transferred employees listed in a 1729
format specified by the administrator and a notice of all 1730
workers' compensation claims that have been reported to the 1731
professional employer organization or professional employer 1732
organization reporting entity in accordance with the internal 1733
reporting policies of the professional employer organization or 1734
professional employer organization reporting entity. 1735

~~(F) Prior to entering into a professional employer~~ 1736
~~organization agreement with a client employer, a professional~~ 1737
~~employer organization shall disclose in writing to the client~~ 1738
~~employer the reporting requirements that apply to the~~ 1739
~~professional employer organization under division (C) of this~~ 1740
~~section and that the administrator must develop a state fund~~ 1741
~~experience modification factor for each client employer involved~~ 1742
~~in a lease termination with a professional employer organization~~ 1743

~~that is a self-insuring employer.~~

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

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

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~~(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:~~

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~~(a) The payroll of each client employer involved in the~~ 1774
~~lease termination, organized by manual classification and year;~~ 1775

~~(b) The medical and indemnity costs of each client~~ 1776
~~employer involved in the lease termination, organized by claim;~~ 1777

~~(c) Any other information the administrator may require to~~ 1778
~~develop a state fund experience modification factor for each~~ 1779
~~client employer involved in the lease termination.~~ 1780

~~(2) The administrator may require an alternate employer~~ 1781
~~organization to submit the information required under division~~ 1782
~~(C) (1) of this section at additional times after the initial~~ 1783
~~submission if the administrator determines that the information~~ 1784
~~is necessary for the administrator to develop a state fund~~ 1785
~~experience modification factor.~~ 1786

~~(3) The administrator may revoke or refuse to renew an~~ 1787
~~alternate employer organization's status as a self-insuring~~ 1788
~~employer if the alternate employer organization fails to provide~~ 1789
~~information requested by the administrator under division (C) (1)~~ 1790
~~or (2) of this section.~~ 1791

~~(D) The administrator shall use the information provided~~ 1792
~~under division (C) of this section to develop a state fund~~ 1793
~~experience modification factor for each client employer involved~~ 1794
~~in a lease termination with an alternate employer organization~~ 1795
~~that is a self-insuring employer.~~ 1796

~~(E)~~ (C) An alternate employer organization shall report any 1797
transfer of employees between related alternate employer 1798
organization entities to the administrator within fourteen 1799
calendar days after the date of the transfer on a form 1800
prescribed by the administrator. ~~The~~ If the alternate employer 1801
organization is not a self-insuring employer, the alternate 1802

employer organization shall include in the form all client 1803
payroll and claim information regarding the transferred 1804
employees listed in a format specified by the administrator and 1805
a notice of all workers' compensation claims that have been 1806
reported to the alternate employer organization in accordance 1807
with the internal reporting policies of the alternate employer 1808
organization. 1809

~~(F) Prior to entering into an alternate employer-~~ 1810
~~organization agreement with a client employer, an alternate-~~ 1811
~~employer organization shall disclose in writing to the client-~~ 1812
~~employer the reporting requirements that apply to the alternate-~~ 1813
~~employer organization under division (C) of this section and-~~ 1814
~~that the administrator must develop a state fund experience-~~ 1815
~~modification factor for each client employer involved in a lease~~ 1816
~~termination with an alternate employer organization that is a~~ 1817
~~self-insuring employer.~~ 1818

Sec. 4167.01. As used in this chapter: 1819

(A) "Public employer" means any of the following: 1820

(1) The state and its instrumentalities; 1821

(2) Any political subdivisions and their 1822
instrumentalities, including any county, county hospital, 1823
municipal corporation, city, village, township, park district, 1824
school district, state institution of higher learning, public or 1825
special district, state agency, authority, commission, or board; 1826

(3) Any other branch of public employment not mentioned in 1827
division (A) (1) or (2) of this section. 1828

(B) "Public employee" means any individual who engages to 1829
furnish services subject to the direction and control of a 1830
public employer, including those individuals working for a 1831

private employer who has contracted with a public employer and 1832
over whom the national labor relations board has declined 1833
jurisdiction. "Public employee" does not mean any of the 1834
following: 1835

(1) A peace officer employed by a public employer as 1836
defined in division (A) (2) of this section or any member of the 1837
organized militia ordered to duty by state authority pursuant to 1838
Chapter 5923. of the Revised Code; 1839

(2) Any person who engages to furnish services subject to 1840
the direction and control of a public employer but does not 1841
receive compensation, either directly or indirectly, for those 1842
services; 1843

(3) Any forest-fire investigator, natural resources 1844
officer, wildlife officer, or preserve officer; 1845

(4) Any person incarcerated in an alternative residential 1846
facility, community-based correctional facility, jail, halfway 1847
house, or prison, as those terms are defined in section 2929.01 1848
of the Revised Code. 1849

(C) "Public employee representative" means an employee 1850
organization certified by the state employment relations board 1851
under section 4117.05 of the Revised Code as the exclusive 1852
representative of the public employees in a bargaining unit. 1853

(D) "Employment risk reduction standard" means a standard 1854
which requires conditions, or the adoption or use of one or more 1855
practices, means, methods, operations, or processes, reasonably 1856
necessary or appropriate to provide safe and healthful 1857
employment and places of employment. 1858

(E) "Ohio employment risk reduction standard" means any 1859
risk reduction standard adopted or issued under this chapter. 1860

(F) "Undue hardship" means any requirement imposed under 1861
this chapter or a rule or order issued thereunder that would 1862
require a public employer to take an action with significant 1863
difficulty or expense when considered in light of all of the 1864
following factors: 1865

(1) The nature and cost of the action required under this 1866
chapter; 1867

(2) The overall financial resources of the public employer 1868
involved in the action; 1869

(3) The number of persons employed by the public employer 1870
at the particular location where the action may be required; 1871

(4) The effect on expenses and resources or the impact 1872
otherwise of the action required upon the operations of the 1873
public employer at the location where the action may be 1874
required; 1875

(5) The overall size of the public employer with respect 1876
to the number of its public employees; 1877

(6) The number, type, and location of the public 1878
employer's operations, including the composition, structure, and 1879
functions of the workforce of the public entity; 1880

(7) The geographic separateness, administrative, or fiscal 1881
relationship of the public employer's operations to the whole 1882
public employer. 1883

Sec. 4167.10. (A) In order to carry out the purposes of 1884
this chapter, the administrator of workers' compensation or the 1885
administrator's designee shall, as provided in this section, 1886
enter without delay during normal working hours and at other 1887
reasonable times, to inspect and investigate any plant, 1888

facility, establishment, construction site, or any other area, 1889
workplace, or environment where work is being performed by a 1890
public employee of a public employer, and any place of 1891
employment and all pertinent conditions, structures, machines, 1892
apparatus, devices, equipment, and materials therein, and 1893
question privately any public employer, administrator, 1894
department head, operator, agent, or public employee. The 1895
authority to inspect and investigate includes the taking of 1896
environmental samples, the taking and obtaining of photographs 1897
related to the purposes of the inspection or investigation, the 1898
examination of records required to be kept under section 4167.11 1899
of the Revised Code and other documents and records relevant to 1900
the inspection and investigation, the issuance of subpoenas, and 1901
the conducting of tests and other studies reasonably calculated 1902
to serve the purposes of implementing and enforcing this 1903
chapter. Except as provided in this section, the administrator 1904
or the administrator's designee shall conduct ~~scheduled~~the 1905
inspections and investigations only pursuant to rules adopted 1906
under section 4167.02 of the Revised Code, a request to do so by 1907
a public employee or public employee representative, or the 1908
notification the administrator receives pursuant to division (B) 1909
of section 4167.06 of the Revised Code and only if the 1910
administrator or the administrator's designee complies with this 1911
section. The administrator or the administrator's designee shall 1912
conduct all requested or required inspections within a 1913
reasonable amount of time following receipt of the request or 1914
notification. 1915

(B) (1) Any public employee or public employee 1916
representative who believes that a violation of an Ohio 1917
employment risk reduction standard exists that threatens 1918
physical harm, or that an imminent danger exists, may request an 1919

inspection by giving written notice to the administrator or the 1920
administrator's designee of the violation or danger. The notice 1921
shall set forth with reasonable particularity the grounds for 1922
the notice, and shall be signed by the public employee or public 1923
employee representative. The names of individual public 1924
employees making the notice or referred to therein shall not 1925
appear in the copy provided to the public employer pursuant to 1926
division (B) (2) of this section and shall be kept confidential. 1927

(2) If, upon receipt of a notification pursuant to 1928
division (B) (1) of this section, the administrator determines 1929
that there are no reasonable grounds to believe that a violation 1930
or danger exists, the administrator shall inform the public 1931
employee or public employee representative in writing of the 1932
determination. If, upon receipt of a notification, the 1933
administrator determines that there are reasonable grounds to 1934
believe that a violation or danger exists, the administrator 1935
shall, within one week, excluding Saturdays, Sundays, and any 1936
legal holiday as defined in section 1.14 of the Revised Code, 1937
after receipt of the notification, notify the public employer, 1938
by certified mail, return receipt requested, of the alleged 1939
violation or danger. The notice provided to the public employer 1940
or the public employer's agent shall inform the public employer 1941
of the alleged violation or danger and that the administrator or 1942
the administrator's designee will investigate and inspect the 1943
public employer's workplace as provided in this section. The 1944
public employer must respond to the administrator, in a method 1945
determined by the administrator, concerning the alleged 1946
violation or danger, within thirty days after receipt of the 1947
notice. If the public employer does not correct the violation or 1948
danger within the thirty-day period or if the public employer 1949
fails to respond within that time period, the administrator or 1950

the administrator's designee shall investigate and inspect the 1951
public employer's workplace as provided in this section. The 1952
administrator or the administrator's designee shall not conduct 1953
any inspection prior to the end of the thirty-day period unless 1954
requested or permitted by the public employer. The administrator 1955
may, at any time upon the request of the public employer, 1956
inspect and investigate any violation or danger alleged to exist 1957
at the public employer's place of employment. 1958

(3) The authority of the administrator or the 1959
administrator's designee to investigate and inspect a premises 1960
pursuant to a public employee or public employee representative 1961
notification is not limited to the alleged violation or danger 1962
contained in the notification. The administrator or the 1963
administrator's designee may investigate and inspect any other 1964
area of the premises where there is reason to believe that a 1965
violation or danger exists. In addition, if the administrator or 1966
the administrator's designee detects any obvious or apparent 1967
violation at any temporary place of employment while en route to 1968
the premises to be inspected or investigated, and that violation 1969
presents a substantial probability that the condition or 1970
practice could result in death or serious physical harm, the 1971
administrator or the administrator's designee may use any of the 1972
enforcement mechanisms provided in this section to correct or 1973
remove the condition or practice. 1974

(4) If, during an inspection or investigation, the 1975
administrator or the administrator's designee finds any 1976
condition or practice in any place of employment that presents a 1977
substantial probability that the condition or practice could 1978
result in death or serious physical harm, after notifying the 1979
employer of the administrator's intent to issue an order, the 1980
administrator shall issue an order, or the administrator's 1981

designee shall issue an order after consultation with the 1982
administrator and upon the recommendation of the administrator, 1983
which prohibits the employment of any public employee or any 1984
continuing operation or process under such condition or practice 1985
until necessary steps are taken to correct or remove the 1986
condition or practice. The order shall not be effective for more 1987
than fifteen days, unless a court of competent jurisdiction 1988
otherwise orders as provided in section 4167.14 of the Revised 1989
Code. 1990

(C) In making any inspections or investigations under this 1991
chapter, the administrator or the administrator's designee may 1992
administer oaths and require, by subpoena, the attendance and 1993
testimony of witnesses and the production of evidence under 1994
oath. Witnesses shall receive the fees and mileage provided for 1995
under section 119.094 of the Revised Code. In the case of 1996
contumacy, failure, or refusal of any person to comply with an 1997
order or any subpoena lawfully issued, or upon the refusal of 1998
any witness to testify to any matter regarding which the witness 1999
may lawfully be interrogated, a judge of the court of common 2000
pleas of any county in this state, on the application of the 2001
administrator or the administrator's designee, shall issue an 2002
order requiring the person to appear and to produce evidence if, 2003
as, and when so ordered, and to give testimony relating to the 2004
matter under investigation or in question. The court may punish 2005
any failure to obey the order of the court as a contempt 2006
thereof. 2007

(D) If, upon inspection or investigation, the 2008
administrator or the administrator's designee believes that a 2009
public employer has violated any requirement of this chapter or 2010
any rule, Ohio employment risk reduction standard, or order 2011
adopted or issued pursuant thereto, the administrator or the 2012

administrator's designee shall, with reasonable promptness, 2013
issue a citation to the public employer. The citation shall be 2014
in writing and describe with particularity the nature of the 2015
alleged violation, including a reference to the provision of 2016
law, Ohio employment risk reduction standard, rule, or order 2017
alleged to have been violated. In addition, the citation shall 2018
fix a time for the abatement of the violation, as provided in 2019
division (H) of this section. The administrator may prescribe 2020
procedures for the issuance of a notice with respect to minor 2021
violations and for enforcement of minor violations that have no 2022
direct or immediate relationship to safety or health. 2023

(E) Upon receipt of any citation under this section, the 2024
public employer shall immediately post the citation, or a copy 2025
thereof, at or near each place an alleged violation referred to 2026
in the citation occurred. 2027

(F) The administrator may not issue a citation under this 2028
section after the expiration of six months following the final 2029
occurrence of any violation. 2030

(G) If the administrator issues a citation pursuant to 2031
this section, the administrator shall mail the citation to the 2032
public employer by certified mail, return receipt requested. The 2033
public employer has fourteen days after receipt of the citation 2034
within which to notify the administrator that the employer 2035
wishes to contest the citation. If the employer notifies the 2036
administrator within the fourteen days that the employer wishes 2037
to contest the citation, or if within fourteen days after the 2038
issuance of a citation a public employee or public employee 2039
representative files notice that the time period fixed in the 2040
citation for the abatement of the violation is unreasonable, the 2041
administrator shall hold an adjudication hearing in accordance 2042

with Chapter 119. of the Revised Code. 2043

(H) In establishing the time limits in which a public 2044
employer must abate a violation under this section, the 2045
administrator shall consider the costs to the public employer, 2046
the size and financial resources of the public employer, the 2047
severity of the violation, the technological feasibility of the 2048
public employer's ability to comply with requirements of the 2049
citation, the possible present and future detriment to the 2050
health and safety of any public employee for failure of the 2051
public employer to comply with requirements of the citation, and 2052
such other factors as the administrator determines appropriate. 2053
The administrator may, after considering the above factors, 2054
permit the public employer to comply with the citation over a 2055
period of up to two years and may extend that period an 2056
additional one year, as the administrator determines 2057
appropriate. 2058

(I) Any public employer may request the administrator to 2059
conduct an employment risk reduction inspection of the public 2060
employer's place of employment. The administrator or the 2061
administrator's designee shall conduct the inspection within a 2062
reasonable amount of time following the request. Neither the 2063
administrator nor any other person may use any information 2064
obtained from the inspection for a period not to exceed three 2065
years in any proceeding for a violation of this chapter or any 2066
rule or order issued thereunder nor in any other action in any 2067
court in this state. 2068

Sec. 5145.163. (A) As used in this section: 2069

(1) "Customer model enterprise" means an enterprise 2070
conducted under a federal prison industries enhancement 2071
certification program in which a private party participates in 2072

the enterprise only as a purchaser of goods and services. 2073

(2) "Employer model enterprise" means an enterprise 2074
conducted under a federal prison industries enhancement 2075
certification program in which a private party participates in 2076
the enterprise as an operator of the enterprise. 2077

(3) "Injury" and "occupational disease" have the same 2078
meanings as in section 4123.01 of the Revised Code if sustained 2079
or contracted in the course of, and arising out of, 2080
participation in authorized work activity in the federal prison 2081
industries enhancement certification program. 2082

(4) ~~"Inmate"~~ "Incarcerated worker" means any person who is 2083
committed to the custody of the department of rehabilitation and 2084
correction and who is participating in an Ohio penal industries 2085
program that is under the federal prison industries enhancement 2086
certification program. 2087

(5) "Federal prison industries enhancement certification 2088
program" means the program authorized pursuant to 18 U.S.C. 2089
1761. 2090

(6) "Injured incarcerated worker" means an individual to 2091
which division (G) of this section applies. 2092

(7) "Compensation" means compensation as provided in 2093
sections 4123.56 to 4123.58 of the Revised Code. 2094

(B) No private party shall participate in an employer 2095
model enterprise in this state unless the private party is 2096
approved by the director of rehabilitation and correction in 2097
accordance with division (C) of this section. 2098

(C) The director may approve a private party to 2099
participate in an employer model enterprise only if the private 2100

party meets the following requirements: 2101

~~(1) The private party provides proof of workers' compensation coverage furnished by the bureau of workers' compensation.~~ 2102
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~~(2)~~ The private party carries liability insurance in an amount the director determines to be sufficient. 2105
2106

~~(3)~~ (2) The private party does not have an unresolved finding for recovery by the auditor of state under section 9.24 of the Revised Code. 2107
2108
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~~(D) (1) If the enterprise for which an inmate works is a customer model enterprise, the~~ (D) The department ~~may~~ shall treat the inmate an incarcerated worker, regardless of whether the incarcerated worker works in a customer model enterprise or an employer model enterprise, as an employee of the department for the purpose of workers' compensation coverage in accordance with Chapters 4121., 4123., 4127., and 4131. of the Revised Code. 2110
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~~(2) If the enterprise for which an inmate works is an employer model enterprise, the private participant may treat the inmate as an employee of the private participant for the purpose of workers' compensation coverage in accordance with Chapters 4121., 4123., 4127., and 4131. of the Revised Code.~~ 2118
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(E) Except as provided in division (D) of this section, inmates incarcerated workers are not employees of the department of rehabilitation and correction or the private participant in an enterprise. 2123
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(F) (1) An inmate incarcerated worker who is injured or who contracts an occupational disease in the course of and arising out of participation in authorized work activity in the federal 2127
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prison industries enhancement certification program may request 2130
the department file a claim ~~for compensation or benefits~~ with 2131
the bureau of workers' compensation under Chapters 4121.7 and 2132
4123.7, 4127.7, and 4131. of the Revised Code while the claimant 2133
is in the custody of the department within the timeframe 2134
provided for in section 4123.84 or 4123.85 of the Revised Code. 2135

(2) The dependent of an ~~inmate~~ incarcerated worker who is 2136
killed or dies as the result of an injury or occupational 2137
disease contracted in the course of and arising out of 2138
participation in authorized work activity in the federal prison 2139
industries enhancement certification program may request the 2140
department file a claim ~~for compensation and benefits~~ with the 2141
bureau under Chapters 4121.7 and 4123.7, 4127.7, and 4131. of the 2142
Revised Code within the timeframe provided for in section 2143
4123.84 or 4123.85 of the Revised Code. A party may use the 2144
appeals process under Chapters 4121. and 4123. of the Revised 2145
Code regarding applications filed under division (F) (2) of this 2146
section. 2147

(G) Notwithstanding any provision of Chapter 4121. or 2148
4123. of the Revised Code to the contrary, ~~an inmate who files a~~ 2149
~~claim pursuant to this section~~ if the department determines that 2150
an incarcerated worker was injured or contracted an occupational 2151
disease in the course of and arising out of participation in 2152
authorized work activity in the federal prison industries 2153
enhancement certification program, whether by external 2154
accidental means or accidental in character or result, both of 2155
the following apply to the individual while that individual is 2156
in the custody of the department: 2157

(1) The individual may receive medical treatment for the 2158
injury or occupational disease. 2159

(2) The individual is barred from filing for compensation 2160
with the department or the bureau. 2161

~~shall receive~~ (H) While an injured incarcerated worker is 2162
in the custody of the department, medical recommendations 2163
pertaining to, and medical treatment and have medical 2164
determinations for purposes of Chapter 4121. and 4123. of the 2165
Revised Code made by the department's medical providers for, the 2166
injured incarcerated worker shall be provided exclusively 2167
through the department's network of providers. Medical 2168

(I) Claim allowance determinations made by the 2169
~~department's providers~~ department shall be limited to initial 2170
claim allowances and requests for additional conditions. ~~The~~ 2171
~~claimant~~ An injured incarcerated worker may request appeal the 2172
department's claim allowance determination or medical treatment 2173
determination by requesting a review by the department's chief 2174
medical officer. In the event of ~~an~~ a further appeal, the 2175
~~claimant~~ injured incarcerated worker may receive a medical 2176
evaluation from a medical practitioner affiliated within the 2177
department's network of third-party medical contractors ~~or a~~ 2178
~~medical practitioner in a managed care organization certified by~~ 2179
~~the bureau of workers' compensation under section 4121.44 of the~~ 2180
~~Revised Code and located in Franklin county.~~ 2181

~~(H) In~~ (J) Except for appeals regarding determinations 2182
under division (I) of this section, and notwithstanding any 2183
provision of Chapter 4121. or 4123. of the Revised Code to the 2184
contrary, an injured incarcerated worker is barred from 2185
appealing a determination made under this section while 2186
incarcerated. 2187

(K) After an injured incarcerated worker is released from 2188
incarceration, all of the following apply: 2189

(1) A party may use the appeals process under Chapters 2190
4121. and 4123. of the Revised Code regarding any application 2191
filed by an injured incarcerated worker. 2192

(2) The released individual may receive medical treatment 2193
consistent with Chapters 4121. and 4123. of the Revised Code. 2194

(3) The released individual may seek compensation through 2195
the bureau consistent with Chapters 4121. and 4123. of the 2196
Revised Code. 2197

(L) Except for medical treatment as allowed under division 2198
(G) of this section, in accordance with division (J) of section 2199
4123.54 of the Revised Code, compensation or medical benefits 2200
are not payable to or on behalf of a claimant-an injured 2201
incarcerated worker during the period of confinement of the 2202
claimant-injured incarcerated worker in any correctional 2203
institution or county jail. Any remaining amount of an award of 2204
compensation or benefits for an injury or occupational disease 2205
arising out of participation in authorized work activity in the 2206
federal prison industries enhancement certification program 2207
shall be paid to or on behalf of a claimant after the claimant 2208
is released from imprisonment. If a claimant-an injured 2209
incarcerated worker is reimprisoned within the custody of the 2210
department, compensation and benefits shall be suspended during 2211
the claimant's-injured incarcerated worker's imprisonment but 2212
shall may resume on the claimant's-worker's release from 2213
imprisonment. The department may pay for medical benefits in 2214
accordance with division (G) of this section. 2215

~~(I)~~ (M) After an injured incarcerated worker is released 2216
from the department's custody, regardless of whether the worker 2217
worked in a customer model enterprise or an employer model 2218
enterprise, all claim costs, other than medical costs paid by 2219

the department while the worker was in the department's custody, 2220
shall be paid by the department in accordance with the 2221
requirements of Chapters 4121. and 4123. of the Revised Code. 2222

(N) An ~~inmate-incarcerated worker~~ shall voluntarily 2223
consent to participate in a federal prison industries 2224
enhancement certification program prior to commencing 2225
participation in the program. Such consent disclaims the 2226
~~inmate's worker's~~ ability to choose a medical provider while the 2227
~~inmate-worker~~ is imprisoned and subjects the ~~inmate-worker~~ to 2228
the requirements of this section. 2229

Section 2. That existing sections 4121.12, 4121.121, 2230
4121.13, 4123.44, 4123.52, 4123.54, 4123.57, 4123.66, 4125.07, 2231
4133.10, 4167.01, 4167.10, and 5145.163 of the Revised Code are 2232
hereby repealed. 2233

Section 3. That sections 4167.25, 4167.27, and 4167.28 of 2234
the Revised Code are hereby repealed. 2235

Section 4. All items in this act are hereby appropriated 2236
out of any moneys in the state treasury to the credit of the 2237
designated fund. For all appropriations made in this act, those 2238
in the first column are for fiscal year 2026 and those in the 2239
second column are for fiscal year 2027. 2240
2241

1	2	3	4	5
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A	BWC BUREAU OF WORKERS COMPENSATION			
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B	Dedicated Purpose Fund Group			
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C	7023 855407 Claims, Risk and Medical Management	\$123,887,269	\$128,050,202
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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	\$41,300,000	\$41,300,000
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	\$378,681,488	\$386,300,312
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 \$380,631,781 \$388,250,605

Section 5. WORKERS' COMPENSATION FRAUD UNIT 2242

Of the foregoing appropriation item 855410, Attorney 2243
General Payments, \$869,610 in fiscal year 2026 and \$900,046 in 2244
fiscal year 2027 shall be used to fund the expenses of the 2245
Workers' Compensation Fraud Unit within the Attorney General's 2246
Office. These payments shall be processed at the beginning of 2247
each quarter of each fiscal year and deposited into the Workers' 2248
Compensation Section Fund (Fund 1950) used by the Attorney 2249
General. 2250

SAFETY AND HYGIENE 2251

Notwithstanding section 4121.37 of the Revised Code, as 2252
directed by the Bureau of Workers' Compensation, the Treasurer 2253
of State shall remit up to \$80,721,244 cash in fiscal year 2026 2254
and up to \$82,531,721 cash in fiscal year 2027 from the State 2255
Insurance Fund to the state treasury to the credit of the Safety 2256
and Hygiene Fund (Fund 8260) to be used to fund appropriation 2257
lines 855609 for the purpose of operating a Safety and Hygiene 2258
program, 855610 to be used for Safety Grants, 855611 for the 2259
purpose of operating a Health and Wellness Program, 855612 for 2260
the purpose of operating a statewide safety awareness and 2261
education campaign, and 855619 for the purpose of funding a 2262
workforce safety innovation center program. 2263

FEDERAL GRANT PROGRAMS 2264

The foregoing appropriation item 855609, Safety and 2265
Hygiene Operating, may be used to provide the state match for 2266
federal grant funding received by the Division of Safety and 2267
Hygiene. 2268

VOCATIONAL REHABILITATION	2269
The Bureau of Workers' Compensation and the Opportunities	2270
for Ohioans with Disabilities Agency may enter into an	2271
interagency agreement for the provision of vocational	2272
rehabilitation services and staff to mutually eligible clients.	2273
The Bureau may provide funds from the State Insurance Fund to	2274
fund vocational rehabilitation services and staff in accordance	2275
with the interagency agreement.	2276
Section 6. DEPUTY INSPECTOR GENERAL FOR BWC AND OIC	2277
FUNDING	2278
To pay for the FY 2026 costs related to the Deputy	2279
Inspector General for the Bureau of Workers' Compensation and	2280
Industrial Commission, on July 1, 2025, and January 1, 2026, or	2281
as soon as possible thereafter, the Director of Budget and	2282
Management shall transfer \$212,500 cash from the Workers'	2283
Compensation Fund (Fund 7023) to the Deputy Inspector General	2284
for the Bureau of Workers' Compensation and Industrial	2285
Commission Fund (Fund 5FT0).	2286
To pay for the FY 2027 costs related to the Deputy	2287
Inspector General for the Bureau of Workers' Compensation and	2288
Industrial Commission, on July 1, 2026, and January 1, 2027, or	2289
as soon as possible thereafter, the Director of Budget and	2290
Management shall transfer \$212,500 cash from the Workers'	2291
Compensation Fund (Fund 7023) to the Deputy Inspector General	2292
for the Bureau of Workers' Compensation and Industrial	2293
Commission Fund (Fund 5FT0).	2294
If additional amounts are needed, the Inspector General	2295
may seek Controlling Board approval for additional transfers of	2296
cash and to increase the amount appropriated in appropriation	2297

item 965604, Deputy Inspector General for the Bureau of Workers' 2298
Compensation and Industrial Commission. 2299

Section 7. The amendment of sections 4123.52 and 4123.57 2300
of the Revised Code by this act applies to claims pending on or 2301
arising on or after the effective date of this section. 2302

Section 8. This Section and Sections 4, 5, and 6 of this 2303
act are exempt from the referendum under Ohio Constitution, 2304
Article II, Section 1d and section 1.471 of the Revised Code and 2305
therefore take effect immediately when this act becomes law. 2306

Section 9. The General Assembly, applying the principle 2307
stated in division (B) of section 1.52 of the Revised Code that 2308
amendments are to be harmonized if reasonably capable of 2309
simultaneous operation, finds that the following sections, 2310
presented in this act as composites of the sections as amended 2311
by the acts indicated, are the resulting versions of the 2312
sections in effect prior to the effective date of the sections 2313
as presented in this act: 2314

Section 4123.52 of the Revised Code as amended by both 2315
H.B. 33 of the 135th General Assembly and H.B. 81 of the 133rd 2316
General Assembly. 2317

Section 4123.57 of the Revised Code as amended by both 2318
H.B. 75 and H.B. 281 of the 134th General Assembly. 2319