

Ohio Legislative Service Commission

Legislative Budget Office Office of Research and Drafting

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Comparison Document

House Bill 75—134th General Assembly

Bureau of Workers' Compensation Budget
(FY 2022-FY 2023)

As Introduced
As Passed by the House
As Reported by Senate Insurance

June 2, 2021

Executive

As Passed By House

As Reported By Senate Insurance

BWCCD24 Power of attorney

No provision.

R.C. 4121.43

Permits the use of a power of attorney allowing an attorney to cash or endorse a check on behalf of a workers' compensation claimant, provided the power of attorney is narrowly tailored to apply to a specific check (current law prohibits using a power of attorney allowing an attorney to cash or endorse a check).

Fiscal effect: None.

R.C. 4121.43

Same as the House, but removes the current law prohibition against a power of attorney allowing an attorney or employee to cash or endorse a check on behalf of a claimant.

Fiscal effect: Same as the House.

BWCCD29 Alternate employer organizations

No provision.

No provision.

R.C. 4123.03, 4133.07, and 4133.08

Suspends the current law prohibition against an alternate employer organization (AEO) holding itself out, advertising, or otherwise identifying itself in any way as a professional employer organization until January 1, 2022. Eliminates the ability of an AEO to use a bond to satisfy the continuing law security requirement for AEO registration with the Bureau of Workers' Compensation (current law requires an AEO to provide a bond or letter of credit in an amount determined by the Administrator to be adequate to meet the AEO's financial obligations under the Workers' Compensation Law, which must be at least \$1 million).

Fiscal effect: None.

Executive

As Passed By House

As Reported By Senate Insurance

BWCCD25 Application for permanent partial disability

No provision.

R.C. 4123.57, Section 8

Prohibits an individual who receives wages in lieu of temporary total disability compensation from filing an application for permanent partial disability compensation until 26 weeks after payment of the wages ends or 26 weeks after the date of injury or occupational disease in absence of temporary total disability payments (current law) or wages in lieu of those payments. Applies to workers' compensation claims arising on or after the provision's effective date.

Fiscal effect: May result in decrease in benefits paid from the State Insurance Fund.

R.C. 4123.57, Section 8

Same as the House, but specifies that the prohibition also applies to claims pending on the provision's effective date.

Fiscal effect: Same as the House.

BWCCD18 Redetermination of permanent total disability

No provision.

R.C. 4123.58, Section 8

Requires, if the Industrial Commission has denied an application for permanent total disability (PTD) compensation, a claimant to present evidence of new and changed circumstances before the Commission may consider a subsequent PTD application based on the same injury or occupational disease. Applies to workers' compensation claims arising on or after the provision's effective date.

Fiscal effect: May result in increase in benefits paid from the State Insurance Fund.

R.C. 4123.58, Section 8

Same as the House, but specifies that the requirement also applies to claims pending on the provision's effective date.

Fiscal effect: Same as the House.

Executive

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BWCCD15 Occupational disease statute of limitations

No provision.

R.C. 4123.85, Section 8

Reduces the time period for a workers' compensation claim based on an employee's occupational disease to be filed within one year after disability due to the occupational disease or death of the employee, instead of two years as under current law. Maintains current law with respect to allowing a period longer than one year after the disability began if that time period does not exceed six months after a licensed physician diagnoses the disease as occupational in origin. Applies to workers' compensation claims arising on or after the provision's effective date.

Fiscal effect: None.

R.C. 4123.85, Section 8

Same as the House.

Fiscal effect: Same as the House.

BWCCD30 Disclosure of claimant information and solicitation prohibition

No provision.

No provision.

R.C. 4123.88

Prohibits the Industrial Commission or the Bureau of Workers' Compensation from disclosing the name or names of claimants to a journalist under the continuing law exemption that allows a journalist to obtain claimant information otherwise prohibited from being disclosed.

No provision.

No provision.

Specifies that it is the intent of the General Assembly to supersede the amendments made by S.B. 4 of the 134th General Assembly (S.B. 4) that allowed the release of the name or names of claimants to journalists.

No provision.

No provision.

Retains the change made by S.B. 4 that excludes dependent information from the continuing law journalist exemption.

No provision.

No provision.

Prohibits a person other than an individual who obtains claimant information under the continuing law journalist exemption from recklessly possessing or obtaining claim

Executive

As Passed By House

As Reported By Senate Insurance

No provision.

No provision.

information that is not a public record, including the address or addresses and telephone number or numbers of claimants obtained by a journalist under the exemption.

Adds to the continuing law journalist exemption that a journalist must include in the written request for the claimant information a statement that the individual acknowledges that the requested claimant information is not a public record and that the individual will not disclose the information to any other person for any reason unrelated to journalism.

No provision.

No provision.

Eliminates the current law prohibition against a person soliciting a claimant or employer to take charge of or represent the claimant or employer in any claim or appeal which is or may be filed with the Bureau of Workers' Compensation or the Industrial Commission (the prohibition was declared unconstitutional in *Bevan & Assocs., LPA v. Yost*, 929 F.3d 366 (6th Cir. 2019) and is unenforceable).

Fiscal effect: None.

BWCCD1 Workers' Compensation Fraud Unit

Section: 1

Earmarks \$828,200 in each fiscal year from appropriation item 855410, Attorney General Payments, for the expenses of the Workers' Compensation Fraud Unit within the Attorney General's Office. Specifies that these payments must be processed at the beginning of each quarter of each fiscal year and deposited into the Workers' Compensation Section Fund (Fund 1950) used by the Attorney General.

Section: 1

Same as the Executive.

Section: 1

Same as the Executive.

Executive

As Passed By House

As Reported By Senate Insurance

BWCCD2 Safety and Hygiene

Section: 1

Requires the Treasurer of State to remit \$25,343,000 cash in FY 2022 and \$25,085,000 cash in FY 2023 from the State Insurance Fund to the state treasury to the credit of the Safety and Hygiene Fund (Fund 8260) to cover the operating expenses of the BWC's Division of Safety and Hygiene.

Section: 1

Same as the Executive.

Section: 1

Same as the Executive.

BWCCD3 Safety Grants

Section: 1

Requires the Treasurer of State to remit \$35.0 million cash in each fiscal year of the biennium from the State Insurance Fund to the state treasury to the credit of the Safety and Hygiene Fund (Fund 8260) to be used for Safety Grants.

Section: 1

Same as the Executive.

Section: 1

Same as the Executive.

BWCCD4 Health and Safety Initiative

Section: 1

Requires the Treasurer of State to remit \$3.0 million cash in each fiscal year of the biennium from the State Insurance Fund to the state treasury to the credit of the Safety and Hygiene Fund (Fund 8260). Requires that these amounts be used under appropriation item 855611, Health and Safety Initiative, for the purpose of creating and operating a health and wellness program.

Section: 1

Same as the Executive.

Section: 1

Same as the Executive.

Executive

As Passed By House

As Reported By Senate Insurance

BWCCD5 Safety Campaign

Section: 1

Requires the Treasurer of State to remit \$1.5 million cash in each fiscal year of the biennium from the State Insurance Fund to the state treasury to the credit of the Safety and Hygiene Fund (Fund 8260). Requires that these amounts be used under appropriation item 855612, Safety Campaign, for the purpose of creating and operating a statewide safety awareness and education campaign.

Section: 1

Same as the Executive.

Section: 1

Same as the Executive.

BWCCD6 Federal Grant Programs

Section: 1

Specifies that appropriation item 855609, Safety and Hygiene Operating, may be used to provide the state match for federal grant funding received by the Division of Safety and Hygiene.

Section: 1

Same as the Executive.

Section: 1

Same as the Executive.

BWCCD7 Vocational Rehabilitation

Section: 1

Allows the BWC and the Opportunities for Ohioans with Disabilities Agency to enter into an interagency agreement for the provision of vocational rehabilitation services and staff to mutually eligible clients. Allows the BWC to provide funds from the State Insurance Fund to fund vocational rehabilitation services and staff in accordance with the interagency agreement.

Section: 1

Same as the Executive.

Section: 1

Same as the Executive.

Executive

As Passed By House

As Reported By Senate Insurance

BWCCD8 Research Grants

Section: 1

Requires the Treasurer of State to remit \$3.0 million cash in FY 2022 and \$1.0 million cash in FY 2023 from the State Insurance Fund to the state treasury to the credit of the Safety and Hygiene Fund (Fund 8260). Requires that these amounts be used under appropriation item 855613, Research Grants, for the purpose of creating and operating the occupational safety and health research program.

Section: 1

Same as the Executive.

Section: 1

Same as the Executive.

BWCCD9 Substance Use Recovery and Workplace Safety Program

Section: 1

Requires the Treasurer of State to remit \$3.5 million cash in FY 2022 and \$4.0 million cash in FY 2023 from the State Insurance Fund to the state treasury to the credit of the Safety and Hygiene Fund (Fund 8260). Requires that these amounts be used under appropriation item 855618, Substance Use Recovery and Workplace Safety Program, for the purpose of creating and operating the opioid workplace safety program.

Section: 1

Same as the Executive.

Section: 1

Same as the Executive.

BWCCD10 Safety and Health Center of Excellence

Section: 1

Requires the Treasurer of State to remit \$15.0 million cash in each fiscal year of the biennium from the State Insurance Fund to the state treasury to the credit of the Safety and Hygiene Fund (Fund 8260). Requires that these amounts be used under appropriation item 855619, Safety and Health Center of Excellence, for the purpose of creating a center of excellence at the Ohio Center of Occupational Safety and Health.

Section: 1

Same as the Executive.

Section: 1

Same as the Executive.

Executive

As Passed By House

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BWCCD11 Administrative Cost Fund

Section: 1

Requires the Treasurer of State to remit up to \$25.0 million cash in each fiscal year of the biennium from the State Insurance Fund to the state treasury to the credit of the Workers' Compensation Fund (Fund 7023).

Section: 1

Same as the Executive.

Section: 1

Same as the Executive.

BWCCD12 Deputy Inspector General for BWC and OIC Funding

Section: 2

Requires the Director of Budget and Management (OBM), on July 1, 2021, and January 1, 2022, or as soon as possible thereafter, to transfer \$212,500 cash from the Workers' Compensation Fund (Fund 7023) to the Deputy Inspector General for the Bureau of Workers' Compensation and Industrial Commission Fund (Fund 5FT0) for the FY 2022 costs related to the Deputy Inspector General for the Bureau of Workers' Compensation (BWC) and Ohio Industrial Commission (OIC). Requires the OBM Director, on July 1, 2022, and January 1, 2023, or as soon as possible thereafter, to transfer the same amount from Fund 7023 to Fund 5FT0 to pay for the corresponding costs in FY 2023. Specifies that if additional amounts are needed, the Inspector General may seek Controlling Board approval for additional transfers of cash and to increase the amount appropriated in appropriation item 965604, Deputy Inspector General for the Bureau of Workers' Compensation and Industrial Commission.

Section: 2

Same as the Executive.

Section: 2

Same as the Executive.