

HB 81 -- Redline

As Re-Referred by the House Rules and Reference Committee to Enrolled -- Make appropriations for Bureau of Workers' Comp for FY 2026-27

Deletions ~~struck~~ · Insertions underlined

~~As (136th Re-Referred General Assembly) by (Amended House Bill Number 81) ANACT To amend sections 4121.12, 4121.121, 4121.13, 4123.44, 4123.52, 4123.54, 4123.57, 4123.66, 4125.07, 4133.10, 4167.01, 4167.10, and 5145.163 and to repeal sections 4167.25, 4167.27, and 4167.28 of the House Revised Rules Code to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2025, and ending June 30, 2027, Assembly to Regular provide Session authorization Am., and conditions for the operation of the Bureau's programs, and to make changes to the Workers' Compensation Law.~~

~~H.~~ Be it enacted by the General Assembly of the State of Ohio:

~~B.~~ SECTION 1.

~~No.~~ That sections 4121.12, 4121.121, 4121.13, 4123.44, 4123.52, 4123.54, 4123.57, 4123.66, 4125.07, 4133.10, 4167.01, 4167.10, and 5145.163 of the Revised Code be amended to read as follows:

~~81~~ Sec. 2025-2026 Representative Stewart Cosponsors:

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

~~11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:~~

~~Section 1.~~

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

~~15 Sec.~~

(A) There is hereby created the bureau of ~~16~~ workers' compensation board of directors consisting of eleven ~~17~~ members to be appointed by the governor with the advice and ~~18~~ consent Am. 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 immediately preceding the member's Am.

~~81 Page 136th 2G.A. As Re-Referred by the House Rules and Reference Committee consent of the senate.~~

~~One appointment, member shall behave an been individual employed who, by on the 19 bureau account of the workers' individual's compensation previous or vocation, by employment, any person, partnership, or 20 corporation affiliations, that can has be provided classed to as the bureau services of a representative financial or investment nature, including the management, analysis, supervision, or investment of employees; assets.~~

~~21 (B) two Of members the shall initial be appointments individuals made who, to on the account board, of the~~

~~their governor shall previous appoint vocation, the employment, member or who affiliations, represents~~
~~can employees, be one classed member who as represents representatives employers, of employee organizations~~
~~and at the least member one who of represents the these public two to individuals shall be a member term~~
~~of ending the one executive year after committee June of 11, the 2007; largest statewide labor federation;~~
~~three one member members who shall represents be individuals who, on account of their previous~~
~~vocation, employment, or affiliations, can be classed as representatives of employers, one of member~~
~~whom who represents self-employee organizations, insuring employers, one of member whom who is an~~
~~state investment fund and employer securities who expert, employs one hundred or more employees, and~~
~~one the of member whom who is a certified state public fund accountant employer to who a employ term~~
~~less ending than two one years hundred after employees; June 11, 2007;~~

~~32 and two one members member shall who be represents individual employers, who, one on member account who~~
~~of represents their employee organizations, vocation, one employment, member or who affiliations, is can an~~
~~be classed as investment and securities expert expert, who and have direct experience in the~~
~~management, member analysis, who supervision, is or an investment actuary of to assets a term and ending~~
~~are three residents years of after this June state; 11, 2007.~~

~~one Thereafter, member terms who of office shall be a for three certified years, public with accountant; each~~
~~term ending on the same day of the same month as did the term that it succeeds.~~

~~one Each member who shall be hold an office actuary from the who date is of at the member member's~~
~~in appointment good until standing with the American end academy of the actuaries term or for who which is~~
~~an associate or fellow with the casualty member was actuarial appointed. society;~~

~~and Members one may member shall represent the public and also be an reappointed. 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 Any governor member shall appointed select to fill a vacancy occurring prior to the~~
~~chair person expiration date of the term board for who which the member's predecessor was appointed shall~~
~~serve hold office as chair person a member for the pleasure remainder of the that term. governor.~~

~~47 A Non member of shall continue in office subsequent to the members expiration date of the board, member's~~
~~with in term one until year a successor immediately takes preceding office the or member's until appointment, a~~
~~shall period have of been sixty days Am. has elapsed, whichever occurs first.~~

~~(C) In making appointments to the board, the governor shall select the members from the list of names~~
~~submitted by the workers' compensation board of directors nominating committee pursuant to this~~
~~division.~~

~~The nominating committee shall submit to the governor a list containing four separate names for each of~~
~~the members on the board.~~

~~Within fourteen days after the submission of the list, the governor shall appoint individuals from the~~
~~list.~~

~~At least thirty days prior to a vacancy occurring as a result of the expiration of a term and within~~
~~thirty days after other vacancies occurring on the board, the nominating committee shall submit an~~
~~initial list containing four names for each vacancy.~~

~~Within fourteen days after the submission of the initial list, the governor either shall appoint~~
~~individuals from that list or request the nominating committee to submit another list of four names for~~
~~each member the governor has not appointed from the initial list, which list the nominating committee~~
~~shall submit to the governor within fourteen days after the governor's request.~~

~~The governor then shall appoint, within seven days after the submission of the second list, one of the~~
~~individuals from either list to fill the vacancy for which the governor has not made an appointment from~~
~~the initial list.~~

~~If the governor appoints an individual to fill a vacancy occurring as a result of the expiration of a~~
~~term, the individual appointed shall begin serving as a member of the board when the term for which the~~
~~individual's predecessor was appointed expires or immediately upon appointment by the governor,~~
~~whichever occurs later.~~

~~With respect to the filling of vacancies, the nominating committee shall provide the governor with a~~
~~list of four individuals who are, in the judgment of the nominating committee, the most fully Am.~~

~~81 Page 136th 36.A. As Re- Referred by the House Rules and Reference Committee 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 the management, analysis, supervision,~~
~~or investment of assets.~~

~~53 qualified (B) to Of accede the initial appointments made to the membership board, on the board. 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 In 57 order member for who the represents name employers, of one an member individual who to represents be~~
~~58 submitted employee to organizations, the one governor member under who this is division, an the~~
~~investment nominating and committee 59 shall securities approve expert, and the member individual who by is an~~

~~aaffirmative certified vote public of 60 accountant to a term majority ending of two its years members. after June 11, 2007;~~

~~and (D) 61 All one members member of who the represents board employers, shall one receive member their who reasonable represents and 62 necessary employee expenses organizations, pursuant one to member section who 126.31 is of an the investment Revised and Code 63 while securities engaged expert, in and the member performance who of is their duties as members and also shall receive an actuary annual salary not to exceed terms sixty 64 thousand ending dollars three in year total, after payable June on 11, the 2007, following basis:~~

~~Thereafter, (1) terms Except as provided in division (D)(2) of 65 this office section, a member shall be receive for two three thousand years, five with hundred each dollars term during ending a on month in which the 66 member same attends day one or more meetings of the same board and shall receive no payment during a month as in did which the term member that attends it no succeeds, meeting of the board.~~

~~67 (2) Each A member shall may hold receive office no from more than thirty thousand dollars per year to compensate the date member for attending meetings of the member's board, 68 regardless appointment of until the end number of meetings held by the term board for during which a year or the member number was of 69 meetings appointed, in excess of twelve within a year that the member attends.~~

~~70 (3) Members Except may as be provided reappointed, in division (D)(4) of this section, if a member serves on the workers' compensation audit committee, workers' compensation actuarial committee, or the workers' compensation investment committee, the member shall receive two thousand five hundred dollars during a month in which the member attends one or more meetings of the committee on which the member serves and shall receive no payment during any month in which the member attends no meeting of that committee.~~

~~Any (4) A member appointed may to receive fill no a more 71 than vacancy thirty occurring thousand prior dollars per year to compensate the expiration member date for attending meetings of any of the term committees for specified 72 in which division the (D)(3) member's of predecessor this was section, appointed regardless shall of hold the office number 73 of as meetings held by a member committee for during a year or the remainder number of that committees term, on which a member serves.~~

~~A The member chairperson shall of 74 the continue board in shall office set subsequent to the expiration meeting date dates of the 75 board member's as term necessary until to a perform successor the takes duties office of or the until board a under period this 76 chapter of and sixty Chapters days 4123., has 4125., elapsed, 4127., whichever 4131., occurs 4133., first, and 4167.~~

~~77 (C) In making appointments to the board, the governor 78 shall select the members from the list of names submitted by the 79 Am.~~

~~H.~~

~~B.~~

~~No.~~

~~81 Page 4 As Re- Referred by the House Rules and Reference Committee 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 Am.~~

~~H.~~

~~B.~~

No.

~~81 Page 5 As Re- Referred by the House Rules and Reference Committee 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 Am.~~

H.

B.

No.

~~81 Page 6 As Re- Referred by the House Rules and Reference Committee 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.~~

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.

~~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~~Am. Revised Code;

~~163~~ (3) Submit an annual report to the president of the ~~164~~ senate, the speaker of the house of representatives, and the ~~165~~ governor and include all of the following in that report:

~~166~~ (a) An evaluation of the cost and quality objectives of ~~167~~ the bureau;

~~168~~ Am.

81 Page ~~136~~th 76.A. As Re- Referred by the House Rules and Reference Committee (b) A statement of the net assets available for the ~~169~~ provision of compensation and benefits under this chapter and ~~170~~ Chapters 4123., 4127., and 4131.

of the Revised Code; as of the ~~171~~ last day of the fiscal year;

~~172~~ (3) (c) Submit An statement annual of report anyto changes the that president occurred of in the net senate, 173 the assets speaker available, of including employer premiums and net investment 174 income, for the provision house of compensation representatives, and benefits and 175 payment of administrative expenses, between the first governor and last include 176 all day of the fiscal following year in immediately that preceding report: the date of the 177 report;

~~178~~ (a) (d) An The evaluation following information for each of the six cost 179 and consecutive quality fiscal objectives years of occurring previous to the report: bureau;

~~180~~ (b) (i) A schedule statement of the net assets available for 181 the provision of compensation and

~~benefits;~~ benefits under this chapter and Chapters 4123., 4127., and 4131.

~~182 of (ii) the The Revised annual Code costs of the payment last day of compensation the and fiscal 183 year;~~
~~benefits;~~

~~184 (c) (iii) A Annual 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 expenses, incurred; between the first and last day of the fiscal year immediately preceding the date of the report;~~

~~185 (d) (iv) The Annual following employer information premiums for allocated each for of the provision six 186 consecutive offiscal compensation years and occurring benefits, previous to the report;~~

~~187 (i) (e) A description schedule of any significant changes that occurred 188 during the six net years assets available for which compensation the and board benefits; provided the 189 information required under division (F)(3)(d) of this section 190 that affect the ability of the board to compare that information 191 from year to year.~~

~~192 (ii) (4) The Review annual all cost independent of financial the audits payment of the compensation bureau and benefits;~~

~~193 (iii) The Annual administrator administrative shall expenses provide incurred; access to records of the bureau 194 to facilitate the review required under this division.~~

~~195 (iv) (5) Annual Study employer issues premiums as allocated requested for by the administrator provision or of the compensation 196 and Am benefits.~~

~~(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.~~

~~(4) Review all independent financial audits of the bureau.~~

~~The administrator shall provide access to records of the bureau to facilitate the review required under this division.~~

~~(5) Study issues as requested by the administrator or the governor;~~

~~(6) Contract with all of the following:~~

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

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

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

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

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

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

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

~~Am.~~

~~81 Page 136th 8G.A. As Re- Referred by the House Rules and Reference Committee governor;~~

~~197 (11) (6) After Contract opening with a all class but prior to the administrator investing in that class, adopt rules establishing due diligence standards for employees of the following; bureau to follow when investing in that class and establish policies and procedures to review and monitor the performance and value of each investment class;~~

~~198 (12) (a) Submit An independent report actuarial annually firm on the performance and value of each investment class to assist the governor, the board president in and 199 minority making leader recommendations of to the senate, and the administrator speaker regarding and premium minority 200 leader rates; of the house of representatives;~~

~~201 (13) (b) Advise An and outside consent investment on counsel all to of assist the workers' following: 202 compensation investment committee in fulfilling its duties;~~

~~203 (a) (c) Administrative An rules independent the fiduciary administrator counsel submits to assist it pursuant to division (B)(5) of section 4121.121 of the board Revised 204 Code in for the performance classification of its occupations duties, or industries, for premium rates and contributions, for the amount to be credited to the surplus fund, for rules and systems of rating, rate revisions, and merit rating;~~

~~205 (b) (7) The Approved duties the and investment authority policy conferred developed upon by the 206 administrator workers' compensation investment committee pursuant to section 207 4121.37 4121.129 of~~

~~the Revised Code if the policy satisfies the 208 requirements specified in section 4123.442 of the Revised Code;~~

~~209(c) (8) Rules Review the and administrator publish adopts for the investment health policy partnership no program less and than the 210 qualified annually health and plan makes system, copies as available provided to in interested sections parties; 4121.44, 4121.441, and 4121.442 of the Revised Code;~~

~~211(d) (9) Rules Prohibit, the on administrator a submits prospectiveto basis, any specific 212 investment it finds pursuant to be Chapter contrary 4167. to the investment policy 213 approved by the board;~~

~~214of (10) the Vote Revised to Code open regarding each investment class and allow the 215 public administrator employment to risk invest reduction in program an and investment class only if the 216 protection board, of by public a health majority care vote, workers opens from that exposure class; incidents.~~

~~217As (11) used After opening a class but prior to the administrator 218 investing in that this class, division, adopt "public rules health establishing care due worker" diligence and 219 "exposure standards incident" for have employees of the bureau same to meanings follows when investing 220 in that section class 4167.25 and of establish policies and procedures to review 221 and monitor the performance Revised and Code. value of each investment class;~~

~~222(14) (12) Perform Submit all a duties report required annually under on this the chapter performance and value Chapters 223 4123., Am. 4125., 4127., 4131., 4133., and 4167.~~

~~H.~~

~~B.~~

~~No.~~

~~81 Page 9 As Re- Referred by the House Rules and Reference Committee 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 Am.~~

~~H.~~

~~B.~~

~~No.~~

~~81 Page 10 As Re- Referred by the House Rules and Reference Committee chapter and Chapters 4123., 4125., 4127., 4131., 4133., and 252 4167.~~

~~253(15) (16) Meet Develop with and the participate governor in on an bureau annual of basis workers' to 254 discuss compensation the board administrator's performance of directors the education duties programs specified that in consists this 255 chapter of and all Chapters of 4123., the 4125., following: 4127., 4131., 4133., and 4167.~~

~~256of (a) the An Revised orientation Code; component for newly appointed members;~~

~~257(16) (b) Develop A and continuing participate education in component a for bureau of workers' compensation board members of who directors 258 education have program served that for consists at of least all one of year; the following:~~

~~259(a) (c) An A orientation curriculum component that for includes newly education appointed about members; each of the 260 following topics:~~

~~261(b) (i) A Board continuing member education duties component and for responsibilities; board members who have served for at least one year;~~

~~262(c) (ii) A Compensation curriculum and that benefits includes paid education pursuant about to each this of~~
~~263 the chapter following and topics: Chapters 4123., 4127., and 4131.~~
~~of (i) the Board Revised member 264 duties Code; and responsibilities;~~
~~265 (ii) (iii) Compensation Ethics; and benefits paid pursuant to this chapter and Chapters 4123., 4127.,~~
~~and 4131.~~
~~266 of (iv) the Governance Revised processes Code; and procedures;~~
~~267 (iii) (v) Ethics; Actuarial soundness;~~
~~268 (iv) (vi) Governance Investments; processes and procedures;~~
~~269 (v) (vii) Actuarial Any soundness; other subject matter the board believes is 270 reasonably related to~~
~~the duties of a board member.~~
~~271 Am. (17)(16) Hold all sessions, classes, and other events for 272 the program developed pursuant to~~
~~division (F)(16)(F)(15) 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 Am.~~
~~81 Page 136th 11G.A. As Re- Referred by the House Rules and Reference Committee (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 (vi) (H) Investments; 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 (vii) vacancy Any shall other be subject filled matter in the same board manner believes 287 is as reasonably~~
~~related to the original duties appointment of a board member.~~
~~A (17)(16) person Hold who all has sessions, pleaded classes, guilty and to other 288 events or for been the~~
~~convicted program of developed an pursuant offense of that nature is ineligible to 289 division~~
~~be (F)(16)(F)(15) a of member this of section the in board. this state.~~
~~A (G) member The 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 may 292 do resolution both of the~~
~~criminal following: matter.~~
~~293 (1) (I) Vote For the purposes of division (G)(1) of section 121.22 294 of the Revised Code, the~~
~~meeting between the governor and the 295 board to review close the administrator's performance as~~
~~required 296 under division (F)(15) of this section shall be considered a 297 meeting regarding the~~
~~employment of the 298 administrator. Notwithstanding any provision investment to class; the contrary in 299~~
~~section 3.17 of the Revised Code, a board member who fails to 300 attend nine or more board meetings,~~
~~including regular and 301 special meetings, during any consecutive twelve-month period 302 forfeits the~~
~~member's position on the board.~~
~~The (2) resulting Create 303 any vacancy committees shall in be addition filled to in the workers' compensation~~
~~audit committee, the same workers' manner compensation as actuarial committee, and the original workers'~~
~~304 compensation appointment. investment committee that the board determines are necessary to assist the~~
~~board in performing its duties.~~
~~305 (H) Sec. The office of a member of the board who is convicted of or pleads guilty to a felony, a theft~~
~~offense as defined in section 2913.01 of the Revised Code, or a violation of section 102.02, 102.03,~~
~~102.04, 2921.02, 2921.11, 2921.13, 2921.31, 2921.41, 2921.42, 2921.43, or 2921.44 of the Revised Code~~
~~shall be deemed vacant.~~
~~The vacancy shall be filled in the same manner as the original appointment.~~
~~A person who has pleaded guilty to or been convicted of an offense of that nature is ineligible to be a~~
~~member of the board.~~
~~A member who receives a bill of indictment for any of the offenses specified in this section shall be~~
~~automatically suspended from the board pending resolution of the criminal matter.~~
~~(I) For the purposes of division (G)(1) of section 121.22 of the Revised Code, the meeting between the~~
~~governor and the board to review the administrator's performance as required under division (F)(15) of~~
~~this section shall be considered a meeting regarding the employment of the administrator. Notwithstanding~~
~~any provision to the contrary in section 3.17 of the Revised Code, a board member who fails to attend~~
~~nine or more board meetings, including regular and special meetings, during any consecutive twelve-month~~
~~period forfeits the member's position on the board.~~
~~The resulting vacancy shall be filled in the same manner as the original appointment.~~
~~Sec.~~
~~(A) There is hereby created the bureau of 306 workers' Am. compensation, which shall be administered by~~
~~the administrator of workers' compensation.~~

A person appointed to the position of administrator shall possess significant management experience in effectively managing an organization or organizations of substantial size and complexity.

A person appointed to the position of administrator also shall possess a minimum of five years of experience in the field of workers' compensation insurance or in another insurance industry, except as otherwise provided when the conditions specified in division (C) of this section are satisfied.

The governor shall appoint the administrator as provided in section 121.03 of the Revised Code, and the administrator shall serve at the pleasure of the governor.

The governor shall fix the administrator's salary on the basis of the administrator's experience and the administrator's responsibilities and duties under this chapter and Chapters 4123., 4125., 4127., 4131., 4133., and 4167.

of the Revised Code.

The governor shall not appoint to the position of administrator any person who has, or whose spouse has, given a contribution to the campaign committee of the governor in an amount greater than one thousand Am.

81 Page 136th 12G.A. As Re-Referred by the House Rules and Reference Committee workers' compensation, which shall be administered by the 307 administrator of workers' compensation.

Adollars personduring appointed to 308 the positiontwo-year ofperiod administratorimmediately shallpreceding possess the significantdate 309of managementthe experienceappointment in effectively managing an organization or 310 organizations of substantialthe sizeadministrator. and complexity.

AThe person 311 appointed to the position of administrator also shall possesshold and 312other minimumpublic ofoffice fiveand yearsshall ofdevote experiencefull in time the to field of workers' 313 compensation insurance or in another insurance industry, except 314 as otherwise provided when the conditionsduties specified in division 315 (C) of thisadministrator. section are satisfied.

TheBefore governorentering shallupon appointthe 316duties of the office, the administrator shall take an oath of office as providedrequired inby sectionsections 121.033.22 and 3.23 of the Revised 317 Code, and shall file in the office of the secretary of state, a bond signed by the administrator shalland serveby 318surety approved by the pleasuregovernor, for the sum of fifty thousand dollars payable to the 319state, governor, conditioned upon the faithful performance of the administrator's duties.

(B) The governoradministrator shallis fixresponsible thefor administrator's salary on 319 the basismanagement of the administrator'sbureau experience and for the 320discharge administrator'sof responsibilitiesall andadministrative duties underimposed upon the administrator in this chapter 321 and Chapters 4123., 4125., 4127., 4131., 4133., and 4167.

of the 322 Revised Code, Code, and in the discharge thereof shall do all of the following:

The(1) governorPerform shallall notacts appointand toexercise theall positionauthorities ofand 323powers, administratordiscretionary anyand personotherwise whothat has, are orrequired whoseof spouseor has, vested givenin a 324 contribution to the campaignbureau committeeor any of theits governoremployees in anthis 325chapter amountand greaterChapters than4123., one4125., thousand4127., dollars4131., during4133., theand two-year4167. 326 period immediately preceding the date of the appointment of the 327 administrator.

328of The the administratorRevised shallCode, holdexcept nothe otheracts publicand office the exercise of authority and 329power shallthat devoteis fullrequired timeof toand vested in the dutiesbureau of administrator, workers' compensation board of directors or the industrial commission pursuant to those chapters.

BeforeThe 330treasurer entering upon the duties of thestate office, the administrator shall 331honor takeall anwarrants oathsigned of office as required by sections 3.22 and 3.23 of 332 the Revisedadministrator, Code, or andby shallone fileor inmore the office of the secretaryadministrator's 333employees, ofauthorized state, a bond signed by the administrator andin bywriting, suretyor 334bearing approved by the governor, facsimile forsignature the sum of fiftythe thousandadministrator dollarsor 335such payableemployee to under thesections state, 4123.42 conditionedand upon4123.44 the faithful performance 336 of the administrator'sRevised duties. Code.

337(2) Am. Employ, direct, and supervise all employees required in connection with the performance of the duties assigned to the bureau by this chapter and Chapters 4123., 4125., 4127., 4131., 4133., and 4167. of the Revised Code, including an actuary, and may establish job classification plans and compensation for all employees of the bureau provided that this grant of authority shall not be construed as affecting any employee for whom the state employment relations board has established an appropriate bargaining unit under section 4117.06 of the Revised Code.

All positions of employment in the bureau are in the classified civil service except those employees the administrator may appoint to serve at the administrator's pleasure in the unclassified civil service pursuant to section 124.11 of the Revised Code.

The administrator shall fix the salaries of employees the administrator appoints to serve at the administrator's pleasure, including the chief operating officer, staff physicians, staff certified nurse-midwives, staff clinical nurse specialists, staff certified nurse practitioners, and other senior

management personnel of the bureau and shall establish the compensation of staff attorneys of the bureau's legal section and their immediate supervisors, and take whatever steps are necessary to provide adequate compensation for other staff attorneys.

The administrator may appoint a person who holds a certified position in the classified service within the bureau to a position in the unclassified service within the bureau.

A person appointed pursuant to this division to a position in the unclassified service shall retain the right to resume the position and status held by the person in the classified service immediately prior to the Am.

81 Page 136th 13G.A. As Re- Referred by the House Rules and Reference Committee (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 person's the appointment Revised in 341 the Code, unclassified and service, in regardless of the discharge number thereof of shall positions do the all person of held in the 342 unclassified following service.

343 An (1) employee's Perform right all to acts resume and a exercise position all in authorities the and classified 344 service powers, may discretionary only and be otherwise exercised that when are the required administrator of demotes or the 345 employee vested to in the pay bureau range or lower any than of the its employee's employees current in pay this range chapter or and revokes 346 the Chapters employee's 4123., appointment 4125., to 4127., the 4131., unclassified 4133., service. and 4167.

of An the employee 347 who Revised holds Code, a except position in the acts classified service and who is appointed to a position in the exercise unclassified of service authority on and or 348 after power January that 1, is 2016, required shall of have and the vested right to resume a position in the bureau classified of service workers' under 349 this compensation division board only of within directors five or years after the industrial effective commission date 350 of pursuant the to employee's those appointment chapters in the unclassified service.

The An treasurer employee of forfeits state the shall right honor to 351 resume all a warrants position signed in by the administrator, classified or service by when one the or employee more is of removed 352 from the administrator's position employees, in authorized the by unclassified the service administrator due 353 to in incompetence, writing, inefficiency, or dishonesty, bearing drunkenness, the immoral facsimile conduct, signature insubordination, discourteous treatment of the 354 public, administrator neglect or of such duty, employee violation under of sections this 4123.42 chapter and or 355 Chapter 4123.44 124., of 4123., the 4125., Revised 4127., Code, 4131., 4133., or 4167.

356 of (2) the Employ, Revised direct, Code, and violation supervise of all the employees rules required of 357 the in director connection of with administrative services or the performance administrator, any other failure of the good duties behavior, assigned any to other the acts 358 of bureau misfeasance, by malfeasance, this or chapter nonfeasance and in Chapters office, 4123., or 4125., conviction 4127., of 4131., a 359 felony 4133., while and employed 4167. in the civil service.

of An the employee Revised also Code, forfeits including an actuary, and 360 may establish job classification plans and compensation for all 361 employees of the bureau right provided to that resume this a grant position of in authority 362 shall not be construed as affecting any employee for whom the 363 classified state service employment upon relation transfer board to has a established different an agency. appropriate 364 bargaining unit under section 4117.06 of the Revised Code.

All Reinstatement 365 to positions a of position employment in the bureau classified are service in shall the be classified to 366 a civil position service substantially except equal those to employees that position in the administrator classified may service 367 held appoint previously, to as serve certified at by the administrator's department pleasure of in administrative the services. 368 Am.

If the position the person previously held in the classified service has been placed in the unclassified service or is otherwise unavailable, the person shall be appointed to a position in the classified service within the bureau that the director of administrative services certifies is comparable in compensation to the position the person previously held in the classified service.

Service in the position in the unclassified service shall be counted as service in the position in the classified service held by the person immediately prior to the person's appointment in the unclassified service.

When a person is reinstated to a position in the classified service as provided in this division, the person is entitled to all rights, status, and benefits accruing to the position during the person's time of service in the position in the unclassified service.

(3) Reorganize the work of the bureau, its sections, departments, and offices to the extent necessary to achieve the most efficient performance of its functions and to that end may establish, change, or abolish positions and assign and reassign duties and responsibilities of every employee of the bureau.

All persons employed by the commission in positions that, after November 3, 1989, are supervised and directed by the administrator under this section are transferred to the bureau in their respective classifications but subject to reassignment and reclassification of position and compensation as the

administrator determines to be in the interest of efficient administration.

The civil service status of any person employed by the commission is not affected by this section.

Personnel employed by the bureau or the commission who are subject to Chapter 4117.

of the Revised Code shall retain all of their rights and benefits conferred pursuant to that chapter as it presently exists or is hereafter amended and nothing in this chapter or Chapter 4123.

of the Revised Am.

~~81 Page 136th 14G.A. As Re- Referred by the House Rules and Reference Committee unclassified civil service pursuant to section 124.11 of the 369 Revised Code.~~

~~The Code administrator shall fix be the construed salaries as of eliminating 370 or employees interfering the with administrator Chapter appoints 4117. 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 of The the administrator Revised may Code appoint or at the person rights who and holds benefits a conferred 380 under certified that position chapter into the public classified employees service or within the bureau 381 to any position bargaining in unit. the unclassified service within the bureau.~~

~~A(4) 382 Provide person offices, appointed equipment, pursuant supplies, to this division to a position in the 383 unclassified service shall retain the right to resume the 384 position and status other held facilities by for the person bureau. 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(5) employee's Prepare right and submit to 388 the resume board a information position in the classified administrator service considers may pertinent only or be the 389 board exercised requires, when together with the administrator administrator's demotes recommendations, in the employee form to of administrative pay rules, 390 for range the lower advice than and consent of the employee's board, current for pay classifications range of occupations or revokes industries, for premium rates and contributions, for the 391 amount employee's to appointment be credited to the unclassified surplus service fund, for rules and systems of rating, rate revisions, and merit rating.~~

~~An The employee administrator 392 shall who obtain, holds prepare, a position in the classified service and who submit is any 393 other appointed information to a position in the unclassified board service requires on for or after 394 January 1, 2016, shall have the right prompt to and resume efficient a discharge position in 395 the classified service under this division only within five 396 years after the effective date of the its employee's duties. appointment in 397 the unclassified service.~~

~~An(6) employee Keep forfeits the accounts required by division (A) of section 4123.34 of the right Revised Code and all other accounts and records necessary to 398 the resume collection, a administration, position and in distribution of the classified workers' service compensation when funds and shall obtain the employee statistical is and 399 other Am. information required by section 4123.19 of the Revised Code.~~

(7) Exercise the investment powers vested in the administrator by section 4123.44 of the Revised Code in accordance with the investment policy approved by the board pursuant to section 4121.12 of the Revised Code and in consultation with the chief investment officer of the bureau of workers' compensation.

The administrator shall not engage in any prohibited investment activity specified by the board pursuant to division (F)(9) of section 4121.12 of the Revised Code and shall not invest in any type of investment specified in divisions (B)(1) to (10) of section 4123.442 of the Revised Code.

All business shall be transacted, all funds invested, all warrants for money drawn and payments made, and all cash and securities and other property held, in the name of the bureau, or in the name of its nominee, provided that nominees are authorized by the administrator solely for the purpose of facilitating the transfer of securities, and restricted to the administrator and designated employees.

(8) In accordance with Chapter 125.

of the Revised Code, purchase supplies, materials, equipment, and services.

(9) Prepare and submit to the board an annual budget for internal operating purposes for the board's approval.

The administrator also shall, separately from the budget the industrial commission submits, prepare and submit to the director of budget and management a budget for each biennium.

The budgets budget submitted to the board and the director shall include estimates of the costs and necessary expenditures of the bureau in the discharge of any duty imposed by law.

(10) As promptly as possible in the course of efficient administration, decentralize and relocate such of the personnel and activities of the bureau as is appropriate to the end that the receipt, investigation, determination, and payment of claims may be undertaken at or near the place of injury or the residence of the claimant and for that purpose establish regional offices, in such places as the administrator considers proper, capable of discharging as many of the functions of the bureau as is

practicable so as to promote prompt and efficient administration in the processing of claims.

All active and inactive lost-time claims files shall be held at the service office responsible for Am.

~~81 Page 136th 15G.A. As Re- Referred by the House Rules and Reference Committee 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 claim. 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.~~

~~AnA employee claimant, alsoat forfeits the right claimant's to request, 409 shall resume be a provided position with in information by telephone as to the classified location service of upon the transfer file pertaining to at the 410 claimant's different claim. agency.~~

~~411 The Reinstatement administrator to a position in the classified service 412 shall be ensure to a position substantially equal to that position all in 413 the classified service held office previously, employees as report certified directly by to the 414 director department for of their administrative service services office.~~

~~If (11) the Provide position a the written 415 binder person on previously new held coverage in where the classified administrator service considers has it been to placed 416 in the unclassified service or is otherwise unavailable, the 417 person shall be appointed to a position in the classified best 418 interest service within the bureau that the director of administrative 419 services certifies is comparable in compensation to the position risk. 420 the person previously held in the classified service.~~

~~Service The in administrator, 421 or the any position other in person the authorized unclassified by service shall be counted as 422 service in the position administrator, in shall the grant classified service held by the 423 binder person upon immediately submission prior of to a there request person's for appointment coverage in by the 424 employer. unclassified service.~~

~~When A a binder person is reinstated effective to for a position period 425 of in thirty the days classified from service date as of provided issuance in and this division, the 426 person is entitled nonrenewable. 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 Payroll (3) reports Reorganize and the premium work charges of shall coincide with the bureau, effective its date sections, of 430 the Am. binder.~~

~~H. (12) Set standards for the reasonable and maximum handling time of claims payment functions, ensure, by rules, the impartial and prompt treatment of all claims and employer risk accounts, and establish a secure, accurate method of time stamping all incoming mail and documents hand delivered to bureau employees.~~

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

~~No.~~

~~81 Page 16 As Re- Referred by the House Rules and Reference Committee 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, 1980, 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~~

~~Am.~~

~~H.~~

~~B.~~

~~No.~~

~~81 Page 17 As Re- Referred by the House Rules and Reference Committee 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 Am.~~

~~H.~~

~~B.~~

~~No.~~

~~81 Page 18 As Re- Referred by the House Rules and Reference Committee 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 Am.~~

~~H.~~

~~B.~~

~~No.~~

~~81 Page 19 As Re-Referred by the House Rules and Reference Committee 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.~~

~~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.~~

~~541 (a) Assist the administrator in establishing standard 542 medical fees, approving medical procedures, and determining 543 eligibility and reasonableness of the compensation payments for 544 medical, hospital, and nursing services, and in establishing 545 guidelines for payment policies which recognize usual, 546 customary, and reasonable methods of payment for covered 547 services;~~

~~548 (b) Provide a resource to respond to questions from claims 549 examiners for employees of the bureau;~~

~~550 (c) Am. Audit fee bill payments;~~

~~(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;~~

~~(e) Perform other duties assigned to it by the administrator.~~

~~(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 Am.~~

~~81 Page 136th 20G.A. As Re-Referred by the House Rules and Reference Committee (c) Audit fee bill payments;~~

~~551 shall (d) consist Implement of a individuals program licensed to pursuant utilize, to the maximum same extent section 552 possible, electronic data processing equipment for storage of 553 the information Revised to Code facilitate as authorizations such of health compensation care 554 provider. payments for medical, hospital, drug, and nursing services;~~

~~555 (17) (e) Pursuant Perform to other section duties 4123.65 assigned of to the it Revised by Code, approve applications for the 556 final administrator, settlement of claims for compensation or benefits under this chapter and Chapters 4123., 4127., and 4131.~~

~~557 of (16) the Appoint, Revised Code as the administrator determines necessary, appropriate, 558 except panels in regard to review and advise the administrator applications on of disputes self-insuring 559 employers arising and over their a employees. determination that a health care service or 560 supply provided to a claimant is not covered under this chapter 561 or Chapter 4123., 4127., or 4131.~~

~~(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 or for is all 562 contracts medically into unnecessary, which the administrator enters provided that those contracts fall within the type of contracts and dollar amounts specified in the Revised Code for competitive bidding and further provided that those contracts are not otherwise specifically exempt from the competitive bidding procedures contained in the Revised Code.~~

~~If (19) an Adopt, individual with health care provider is 563 involved in the dispute, advice the and panel consent shall consist of individual the 564 board, licensed rules pursuant for to the same operation section of the Revised bureau. Code as 565 such health care provider.~~

~~566 (20) (17) Prepare Pursuant and submit to section the 4123.65 board of information the Revised administrator Code, considers 567 pertinent approve or applications the for board requires, together with the final administrator's settlement recommendations, in the form of claims administrative rules, for 568 the compensation advice or and benefits consent under of this the chapter board, for the health partnership program and Chapter the 4123., qualified 569 health 4127., plan system, as provided in sections 4121.44, 4121.441, and 4131. 4121.442 of the Revised Code.~~

~~of (C) The administrator, with the Revised advice Code and as consent of the administrator senate, 570 shall determines appoint appropriate, a except chief in operating regard officer to who has a minimum of five years of experience in the applications field of 571 workers' self-insuring compensation employers insurance and or their in employees, another similar insurance industry if the administrator does not possess such~~

experience.

~~572The (18)chief Complyoperating withofficer sectionshall 3517.13not ofcommence the Revisedchief Code,operating andofficer's 573duties exceptuntil inafter regardthe tosenate contractsconsents entered into pursuant to the 574chief authorityoperating containedofficer's inappointment. section 4121.44 of the Revised Code, 575 comply with the competitive bidding procedures set forth in the 576 Revised Code for all contracts into which the administrator 577 enters provided that those contracts fall within the type of 578 contracts and dollar amounts specified in the Revised Code for 579 Am.~~

~~H.The chief operating officer shall serve in the unclassified civil service of the state.~~

~~B.Sec.~~

~~No.~~

~~81 Page 21 As Re- Referred by the House Rules and Reference Committee 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.~~

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 Am. of safety and hygiene in which shall be exhibited safety devices, safeguards, and other means and methods for the protection of life, health, safety, and welfare of employees;

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

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

Am.

~~81 Page136th 22G.A. As Re- Referred by the House Rules and Reference Committee 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(D) (B)Investigate, Ascertainascertain, and fixdetermine reasonable standardsclassifications and prescribe, 612 modify, and enforce reasonable orders for the adoption of safetypersons, 613employments, devices, safeguards, and otherplaces means or methods of protectionemployment to 614 be as nearlyare uniform as possible as may be necessary to carry 615 out all laws and lawful orders relative to the protectionapplicable ofsections the 616 life, health, safety, and welfare of employeessections in4101.01 employments to 6174101.16 and places4121.01 of to employment4121.29 or frequenters of places the ofRevised employment;Code;~~

~~618(E) (C)Adopt Ascertain,reasonable fix,and proper rules relative to the exercise of his the administrator's powers and orderauthorities, reasonableand standardsproper forrules to govern his the 619administrator's construction,proceedings repair,and to regulate the mode and maintenancemanner of placesall ofinvestigations employmentand ashearings, 620which rules shall rendernot thembe safe;effective until ten days after their publication;~~

~~621a (D)copy Investigate, ascertain, and determine reasonable 622 classifications of persons, employments, and places of 623 employment as are necessary to carry out the applicablerules sectionsshall 624be ofdelivered sectionsat 4101.01cost to 4101.16every andcitizen 4121.01making toapplication 4121.29therefor; of the 625 Revised Code;~~

~~626(F) (E)Investigate Adoptall reasonablecases andof properfraud rulesor relativeother illegalities~~

pertaining to the 627 operation exercise of his the administrator's workers' powers compensation and system authorities, and 628 its proper several rules insurance to funds govern his the administrator's proceedings and 629 for to that regulate purpose, the mode administrator and has manner every power of all an investigations inquisitorial and nature 630 granted hearings, to which the rules industrial shall commission not in be this effective chapter until and ten Chapter days 4123. 631 after their publication, a copy of the rules Revised shall Code; be delivered 632 at cost to every citizen making application therefor;

633 (G) (F) Do Investigate all cases things of convenient fraud and or necessary other illegalities 634 pertaining to the accomplish operation of the workers' purposes compensation directed system in 635 sections and 4101.01 it to several 4101.16 insurance funds and for 4121.01 that to purpose, 4121.28 the 636 administrator has every power of an the inquisitorial Revised nature Code; granted 637 Am.

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

B.

No.

81 Page 23 As Re- Referred by the House Rules and Reference Committee 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.

645 Sec.

4121.41.

(A) The administrator of workers' 646 compensation shall operate a program designed to inform 647 employees and employers of their rights and responsibilities 648 under Chapter 4123.

of the Revised Code and as part of that 649 program prepare and distribute pamphlets, which clearly and 650 simply explain at least all of the following:

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

653 (2) The procedures for processing claims;

654 (3) The procedure for fulfilling employer responsibility;

655 (4) All applicable statutes of limitation;

656 (5) The availability of services and benefits;

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

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

661 (B) The bureau of workers' compensation shall maintain an 662 ongoing program to identify employers subject to Chapter 4123.

663 of the Revised Code and to audit employers to ensure an optimum 664 Am.

H.

B.

No.

81 Page 24 As Re- Referred by the House Rules and Reference Committee level of premium payment.

The bureau shall coordinate such 665 efforts with other governmental agencies which have information 666 as to employers who are subject to Chapter 4123.

of the Revised 667 Code.

668 (C) The administrator shall handle complaints through the 669 service offices, the claims section, and the ombudsperson 670 program workers' compensation customer advocacy office.

The 671 administrator shall provide toll free telephone lines for 672 employers and claimants in order to expedite the handling of 673 complaints.

The bureau shall monitor complaint traffic to ensure 674 an adequacy of telephone service to bureau offices and shall 675 compile statistics on complaint subjects.

Based upon those 676 compilations, the bureau shall revise procedures and rules to 677 correct major problem areas and submit data and recommendations 678 annually to the appropriate committees of the general assembly.

679 Sec.

4121.45.

(A) There is hereby created a the workers' 680 compensation ombudsperson system customer advocacy office

~~to 681 assist claimants and employers in matters dealing with the 682 bureau of workers' compensation and the industrial commission.~~

~~683 The industrial commission nominating council shall appoint a 684 chief ombudspersoncustomer advocate.~~

~~The chief 685 ombudspersoncustomer advocate, with the advice and consent of 686 the nominating council, may appoint such assistant ombudspersons 687 advocates as the nominating council deems necessary. The 688 position of chief ombudsperson customer advocate is for a term 689 of six years.~~

~~A person appointed to the position of chief 690 ombudsperson customer advocate shall serve at the pleasure of 691 the nominating council.~~

~~The chief ombudsperson customer advocate 692 may not be transferred, demoted, or suspended during the 693 person's tenure and may be removed by the nominating council 694 only upon a vote of not fewer than nine members of the 695 Am.~~

~~H.~~

~~B.~~

~~No.~~

~~81 Page 25 As Re- Referred by the House Rules and Reference Committee nominating council.~~

~~The chief ombudsperson customer advocate 696 shall devote the chief ombudsperson's customer advocate's full 697 time and attention to the duties of the ombudsperson's chief 698 customer advocate's office.~~

~~The administrator of workers' 699 compensation shall furnish the chief ombudsperson customer 700 advocate with the office space, supplies, and clerical 701 assistance that will enable the chief ombudsperson customer 702 advocate and the ombudsperson system customer advocacy office 703 staff to perform their duties effectively.~~

~~The ombudsperson 704 program office shall be funded out of the budget of the bureau 705 and the chief ombudsperson customer advocate and the 706 ombudsperson system customer advocacy office staff shall be 707 carried on the bureau payroll.~~

~~The chief ombudsperson customer 708 advocate and the ombudsperson system customer advocacy office 709 shall be under the direction of the nominating council.~~

~~The 710 administrator and all employees of the bureau and the commission 711 shall give the ombudsperson system customer advocacy office 712 staff full and prompt cooperation in all matters relating to the 713 duties of the chief ombudspersoncustomer advocate.~~

~~714 (B) The ombudsperson system customer advocacy office staff 715 shall:~~

~~716 (1) Answer inquiries or investigate complaints made by 717 employers or claimants under this chapter and Chapter 4123.~~

~~of 718 the Revised Code as they relate to the processing of a claim for 719 workers' compensation benefits;~~

~~720 (2) Provide claimants and employers with information 721 regarding problems which arise out of the functions of the 722 bureau, commission hearing officers, and the commission and the 723 procedures employed in the processing of claims;~~

~~724 (3) Answer inquiries or investigate complaints of an 725 Am.~~

~~H.~~

~~B.~~

~~No.~~

~~81 Page 26 As Re- Referred by the House Rules and Reference Committee employer as they relate to reserves established and premiums 726 charged in connection with the employer's account;~~

~~727 (4) Comply with Chapter 102.~~

~~and sections 2021.42 and 728 2021.43 of the Revised Code and the nominating council's human 729 resource and ethics policies;~~

~~730 (5) Not express any opinions as to the merit of a claim or 731 the correctness of a decision by the various officers or 732 agencies as the decision relates to a claim for benefits or 733 compensation.~~

~~734 For the purpose of carrying out the chief ombudsperson's 735 customer advocate's duties, the chief ombudsperson customer 736 advocate or the ombudsperson system customer advocacy office 737 staff, notwithstanding sections 4123.27 and 4123.88 of the 738 Revised Code, has the right at all reasonable times to examine 739 the contents of a claim file and discuss with parties in 740 interest the contents of the file as long as the ombudsperson 741 customer advocate does not divulge information that would tend 742 to prejudice the case of either party to a claim or that would 743 tend to compromise a privileged attorney-client relationship, 744 physician-patient relationship, or advanced practice registered 745 nurse-patient relationship.~~

~~746 (C) The chief ombudsperson customer advocate shall:~~

~~747 (1) Assist any service office in its duties whenever it 748 requires assistance or information that can best be obtained 749 from central office personnel or records;~~

~~750 (2) Annually assemble reports from each assistant 751 ombudsperson customer advocate as to their activities for the 752 preceding year together with their recommendations as to changes 753 or improvements in the operations of the workers' compensation 754 Am.~~

~~H.~~

~~B.~~

~~No.~~

~~81 Page 27 As Re- Referred by the House Rules and Reference Committee system.~~

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

~~759 (3) Comply with Chapter 102.~~

~~and sections 2021.42 and 760 2021.43 of the Revised Code and the nominating council's human 761 resource and ethics policies.~~

~~762 (D) No ombudsperson customer advocate or assistant 763 ombudsperson customer advocate shall:~~

~~764 (1) Represent a claimant or employer in claims pending 765 before or to be filed with the administrator, a district or 766 staff hearing officer, the commission, or the courts of the 767 state, nor shall an ombudsperson a customer advocate or 768 assistant ombudsperson customer advocate undertake any such 769 representation for a period of one year after the ombudsperson's 770 customer advocate's or assistant ombudsperson's customer 771 advocate's employment terminates or be eligible for employment 772 by the bureau or the commission or as a district or staff 773 hearing officer for one year;~~

~~774 (2) Express any opinions as to the merit of a claim or the 775 correctness of a decision by the various officers or agencies as 776 the decision relates to a claim for benefits or compensation.~~

~~777 (E) The chief ombudsperson customer advocate and assistant 778 ombudspersons customer advocates shall receive compensation at a 779 level established by the nominating council commensurate with 780 the individual's background, education, and experience in 781 workers' compensation or related fields. The chief ombudsperson 782 customer advocate and assistant ombudspersons customer advocates 783 Am.~~

~~H.~~

~~B.~~

~~No.~~

~~81 Page 28 As Re- Referred by the House Rules and Reference Committee are full-time permanent employees in the unclassified service of 784 the state and are entitled to all benefits that accrue to such 785 employees, including, without limitation, sick, vacation, and 786 personal leaves.~~

~~Assistant ombudspersons customer advocates 787 serve at the pleasure of the chief ombudspersoncustomer 788 advocate.~~

~~789 (F) In the event of a vacancy in the position of chief 790 ombudspersoncustomer advocate, the nominating council may 791 appoint a person to serve as acting chief ombudsperson customer 792 advocate until a chief ombudsperson customer advocate is 793 appointed.~~

~~The acting chief ombudsperson customer advocate shall 794 be under the direction and control of the nominating council and 795 may be removed by the nominating council with or without just 796 cause. 797 Sec.~~

~~The members of the bureau of workers' 798 compensation board of directors, the administrator of workers' 799 compensation, and the bureau of workers' compensation chief 800 investment officer are the trustees of fiduciaries to the state-801 insurance fund.~~

~~The administrator, in accordance with sections 802 4121.126 and 4121.127 of the Revised Code and the investment 803 policy approved by the board pursuant to section 4121.12 of the 804 Revised Code, and in consultation with the bureau of workers' 805 compensation chief investment officer, may invest any of the-806 surplus or reserve belonging to the state insurance fund.~~

~~The 807 administrator and the bureau of workers' compensation chief 808 investment officer shall not deviate from the investment policy 809 approved by the board without the approval of the workers'-810 compensation investment committee and the board.~~

~~811-The administrator shall not invest in any type of 812 investment specified in divisions (B)(1) to (10) of section 813 4123.442 Am. of the Revised Code.~~

The administrator shall not make an investment decision with the primary purpose of influencing any social or environmental policy or attempting to influence the governance of any corporation.

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

section, shall make investment decisions with the sole purpose of maximizing the return on investments and that are consistent with any other fiduciary responsibilities of the administrator Am.

~~81 Page 136th 29G.A. As Re- Referred by the House Rules and Reference Committee 4123, 442 of the Revised Code.~~

~~The and administrator other shall fiduciaries not under make this 814 chapter an and investment Chapters decision 4121., with 4127., the and primary 4131. purpose of influencing 815 any social or environmental policy or attempting to influence 816 the governance of any corporation.~~

~~817 The administrator and other fiduciaries shall discharge 818 their duties with respect to the funds with the care, skill, 819 prudence, and diligence under the circumstances then prevailing 820 that a prudent person acting in a like capacity and familiar 821 with such matters would use in the conduct of an enterprise of a 822 like character and with like aims, and by diversifying the 823 investments of the assets of the funds so as to minimize the 824 risk of large losses, unless under the circumstances it is 825 clearly prudent not to do so.~~

~~826 The administrator and other fiduciaries, in accordance 827 with their fiduciary duties described under this section, shall 828 make investment decisions with the sole purpose of maximizing 829 the return on investments and that are consistent with any other 830 fiduciary responsibilities of the administrator and other 831 fiduciaries under this chapter and Chapters 4121., 4127., and 832 4131.~~

~~833 To facilitate investment of the funds, the administrator 834 may establish a partnership, trust, limited liability company, 835 corporation, including a corporation exempt from taxation under 836 the Internal Revenue Code, 100 Stat.~~

~~1, as 837 amended, or any other legal entity authorized to transact 838 business in this state.~~

~~839 When reporting on the performance of investments, the 840 administrator shall comply with the performance presentation 841 standards established by the association for investment 842 management and research.~~

843 All Am. investments shall be purchased at current market prices and the evidences of title to the investments shall be placed in the custody of the treasurer of state, who is hereby designated as custodian, or in the custody of the treasurer of state's authorized agent.

Evidences of title of the investments so purchased may be deposited by the treasurer of state for safekeeping with an authorized agent selected by the treasurer of state who is a qualified trustee under section 135.18 of the Revised Code.

The treasurer of state or the agent shall collect the principal, dividends, distributions, and interest as they become due and payable and place them when collected into the state insurance fund.

The treasurer of state shall pay for investments purchased by the administrator on receipt of written or electronic instructions from the administrator or the administrator's designated agent authorizing the purchase, and pending receipt of the evidence of title of the investment by the treasurer of state or the treasurer of state's authorized agent.

The administrator may sell investments held by the administrator, and the treasurer of state or the treasurer of state's authorized agent shall accept payment from the purchaser and deliver evidence of title of the investment to the purchaser, on receipt of written or electronic instructions from the administrator or the administrator's designated agent authorizing the sale, and pending receipt of the moneys for the investments.

The amount received shall be placed in the state insurance fund.

The administrator and the treasurer of state may enter into agreements to establish procedures for the purchase and sale of investments under this division and the custody of the investments.

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

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

When in the judgment of the administrator it is necessary to provide available funds for the payment of compensation or benefits under this chapter, the administrator may borrow money from any available source and pledge as security a sufficient amount of bonds or other securities in which the state insurance fund is invested.

The aggregate unpaid amount of loans existing at any one time for money so borrowed shall not exceed ten million dollars.

The bonds or other securities so pledged as security for such loans to the administrator shall be the sole security for the payment of the principal and interest of any such loan.

The administrator shall not be personally liable for the Am.

~~81 Page 136th 30G.A. As Re- Referred by the House Rules and Reference Committee All investments shall be purchased at current market 844 prices and the evidences of title to the investments shall be 845 placed in the custody of the treasurer of state, who is hereby 846 designated as custodian, or in the custody of the treasurer of 847 state's authorized agent.~~

~~Evidence of payment of title of the investments principal or so purchased may be deposited by the treasurer interest of state any for such loan, safekeeping with an authorized agent selected by the treasurer of state who is a qualified trustee under section 135.18 of the Revised Code. The No treasurer such of loan state or the agent shall collect be made the for principal, a dividends, longer distributions, period and of interest time as than they one year, become due and payable and place them when collected into the state insurance fund.~~

~~Such The loans treasurer may of be state renewed shall but pay no for one investments renewal purchased shall be by for the administrator period on in receipt excess of written one or year, electronic instructions from the administrator or the administrator's designated agent authorizing the purchase, and pending receipt of the evidence of title of the investment by the treasurer of state or the treasurer of state's authorized agent.~~

~~The Such loans administrator shall may bear sell such investments rate held by the administrator, and the treasurer of state interest or as the treasurer administrator of determines state's authorized agent shall accept payment from the purchaser and in deliver negotiating evidence of title of the investment loans, to the purchaser, on receipt of written or electronic instructions from the administrator or shall the endeavor administrator to designated secure agent as favorable authorizing interest the rates sale, and pending terms receipts of circumstances the will moneys permit, for the investments.~~

~~The amount treasurer received of shall state may deliver to the person or governmental agency making such loan, the bonds or other securities which are to be placed pledged in by the administrator as security for such loan, upon receipt by the treasurer of state of insurance fund, order of the administrator authorizing such loan.~~

~~The Upon administrator payment and of the any treasurer such of loan state by may the administrator, enter the into bonds agreements or to other establish securities procedures pledged for as the security purchase therefor shall and be sale returned of to investments the under treasurer this of division state and as the custodian custody of such the bonds, investments.~~

~~73 The No administrator purchase may or pledge sale with the treasurer of state such amount of bonds or other securities in which the state insurance fund is invested as is reasonably necessary as security for any investment certificates shall issued, be or made paid under out, by Am, the treasurer of state upon any warrants drawn by the administrator.~~

~~H. The administrator may secure investment information services, consulting services, and other like services to facilitate investment of the surplus and reserve belonging to the state insurance fund.~~

~~B. The administrator shall pay the expense of securing such services from the state insurance fund.~~

~~No. The board and administrator shall not take any action to promote a policy under which the administrator makes investment decisions with the primary purpose of influencing any social or environmental policy or attempting to influence the governance of any corporation.~~

~~81 Sec. Page 31 As Re- Referred by the House Rules and Reference Committee this section, except as authorized by the administrator.~~

~~75 Any statement of financial position distributed by the administrator shall include the fair value, as of the statement date, of all investments held by the administrator under this section.~~

~~70 When in the judgment of the administrator it is necessary to provide available funds for the payment of compensation or benefits under this chapter, the administrator may borrow money from any available source and pledge as security a sufficient amount of bonds or other securities in which the state insurance fund is invested.~~

~~The aggregate unpaid amount of loans existing at any one time for money so borrowed shall not exceed ten million dollars.~~

~~The bonds or other securities so pledged as security for such loans to the administrator shall be the sole security for the payment of the principal and interest of any such loan.~~

~~The administrator shall not be personally liable for the payment of the principal or the interest of any such loan.~~

~~91 No such loan shall be made for a longer period of time than one year.~~

~~Such loans may be renewed but no one renewal shall be for a period in excess of one year.~~

~~Such loans shall bear such rate of interest as the administrator determines and in negotiating the loans, the administrator shall endeavor to secure as favorable interest rates and terms as circumstances will permit.~~

~~97 The treasurer of state may deliver to the person or governmental agency making such loan, the bonds or other securities which are to be pledged by the administrator as security for such loan, upon receipt by the treasurer of state of an order of the administrator authorizing such loan. Upon payment of any such loan by the administrator, the bonds or other securities pledged as security therefor shall be returned Am.~~

H-
B-
No-

~~81 Page 32 As Re-Referred by the House Rules and Reference Committee to the treasurer of state as custodian of such bonds.~~

~~905 The administrator may pledge with the treasurer of state 906 such amount of bonds or other securities in which the state 907 insurance fund is invested as is reasonably necessary as 908 security for any certificates issued, or paid out, by the 909 treasurer of state upon any warrants drawn by the administrator.~~

~~910 The administrator may secure investment information 911 services, consulting services, and other like services to 912 facilitate investment of the surplus and reserve belonging to 913 the state insurance fund.~~

~~The administrator shall pay the 914 expense of securing such services from the state insurance fund.~~

~~915 The board and administrator shall not take any action to 916 promote a policy under which the administrator makes investment 917 decisions with the primary purpose of influencing any social or 918 environmental policy or attempting to influence the governance 919 of any corporation.~~

~~920 Sec.~~

(A) The jurisdiction of the industrial ~~921~~ commission and the authority of the administrator of workers' ~~922~~ compensation over each case is continuing, and the commission ~~923~~ may make such modification or change with respect to former ~~924~~ findings or orders with respect thereto, as, in its opinion is ~~925~~ justified.

No modification or change nor any finding or award in ~~926~~ respect of any claim shall be made with respect to disability, ~~927~~ compensation, dependency, or benefits, after five years from the ~~928~~ date of injury in the absence of medical benefits being provided ~~929~~ under this chapter or in the absence of payment of compensation ~~930~~ under section 4123.57, 4123.58, or division (A) or (B) of ~~931~~ section 4123.56 of the Revised Code or wages in lieu of ~~932~~ compensation in a manner so as to satisfy the requirements of ~~933~~ section 4123.84 of the Revised Code, in which event the ~~934~~ modification, Am, change, finding, or award shall be made within five years from the date of the last medical services being rendered or the date of the last payment of compensation or from the date of death, nor unless written notice of claim for the specific part or parts of the body injured or disabled has been given as provided in section 4123.84 or 4123.85 of the Revised Code.

The commission shall not make any modification, change, finding, or award which shall award compensation for a back period in excess of two years prior to the date of filing application therefor.

(B)(B)(1) As used in this division, "prosthetic device" means a custom fabricated or fitted device used to replace a missing appendage or other external body part.

"Prosthetic device" includes Am.

~~81 Page 136th 33G.A. As Re-Referred by the House Rules and Reference Committee modification, change, finding, or award shall be made within 935 five years from the date of the last medical services being 936 rendered or the date of the last payment of compensation or from 937 the date of death, nor unless written notice of claim for the 938 specific part or parts of the body injured or disabled has been 939 given as provided in section 4123.84 or 4123.85 of the Revised 940 Code.~~

~~thean commissionartificial shalllimb, nothand, makefoot, anyor modification,eye change, 941 finding, or awardan whichintraocular shalllens. award compensation for a back 942 period in excess of two years prior to the date of filing 943 application therefor.~~

~~944"Prosthetic (B)(B)(1)device" Asdoes usednot ininclude thisa division,dental "prostheticappliance, device"eyeglasses, 945hearing meansaid, aostomy customproduct, fabricated or fittedany deviceother useditem tothat replacedoes not have a 946significant missingimpact appendageon orthe othermusculoskeletal externalfunctions of the body part,such as breast prostheses, eyelashes, wigs, and other cosmetic devices.~~

~~"Prosthetic(2) 947Notwithstanding device"any includesprovision anto artificialthe limb,contrary hand,in foot,division (A) of this section, the commission or eyeadministrator may, regardless of the date of injury or the last payment of compensation or benefits, order payment to purchase, repair, or replace a prosthetic device if the purchase, repair, or replacement is necessary due to an 948amputation intraocularor lens.loss that resulted from an allowed injury or occupational disease.~~

~~"Prosthetic(3) device"Ordering doesa notpayment includeunder adivision dental(B)(2) 949of appliance,this eyeglasses,section hearingdoes aid,not ostomyextend product,the orteime anyperiod otherduring 950which itemthe thatcommission doesor notadministrator havemay amodify significantor impactchange ona theformer 951finding musculoskeletalor functionsorder ofin thea bodyclaim such as breastprovided prostheses,under 952division eyelashes,(A) wigs,of andthis othersection.cosmetic devices.~~

~~953(C) (2) Notwithstanding anydivision provision(A) toof thethis contrarysection, and except as otherwise provided in 954a divisionrule (A)that ofshall thisbe section,adopted by the commissionadministrator, orwith administratorthe 955advice may,and regardlessconsent of the datebureau~~

of ~~injury~~workers' ~~or~~compensation board of directors, neither the ~~last~~administrator ~~payment~~nor ~~of~~the ~~956~~commission ~~compensation~~shall make any finding or ~~benefits~~,award ~~order~~for payment ~~to~~of ~~purchase~~,medical ~~repair~~,or ~~957~~vocational ~~replace~~rehabilitation ~~a~~services ~~prosthetic~~submitted ~~device~~for ~~if~~payment more than one year after the ~~purchase~~,date ~~repair~~,the services were rendered or ~~958~~more ~~replacement~~than ~~is~~one necessary year ~~due~~after ~~to~~the ~~and~~date ~~amputation~~the ~~or~~services ~~loss~~became ~~that~~payable ~~959~~under ~~resulted~~division from (I) ~~and~~of ~~allowed~~section ~~injury~~4123.511 ~~or~~of ~~occupational~~the ~~disease~~.Revised Code, whichever is later.

~~960~~No (3)medical ~~Ordering~~or ~~avocational~~ ~~payment~~rehabilitation ~~under~~provider ~~division~~shall (B)(2)bill ~~of~~a ~~this~~claimant ~~961~~for ~~section~~services ~~does~~rendered ~~not~~if ~~extend~~the time period ~~during~~which ~~the~~962 ~~commission~~or ~~administrator~~ may ~~modify~~or ~~change~~commission ~~is~~ ~~former~~prohibited ~~963~~from ~~finding~~making ~~or~~that ~~order~~payment ~~in~~a ~~claim~~as ~~provided~~under ~~division~~this (A)division. ~~of~~964 Am.

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

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

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

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

(G)(H) The commission and administrator of workers' compensation each may, by general rules, provide for the retention and destruction of all other records in their possession or under their control pursuant to section 121.211 and sections 149.34 to 149.36 of the Revised Code.

The bureau of workers' compensation may purchase or rent required equipment for the document retention media, as determined necessary to preserve the records.

Photographs, microphotographs, microfilm, Am.

81 Page 136th 34G.A. ~~As Re- Referred by the House Rules and Reference Committee this section-~~

~~965~~films, (C)or ~~Notwithstanding~~other ~~division~~direct (A)or ~~of~~electronic ~~this~~document ~~section~~,retention ~~and~~media, ~~966~~when ~~except~~properly ~~as~~identified, ~~otherwise~~have ~~provided~~the ~~in~~same ~~a~~effect ~~rule~~as ~~that~~ shall ~~be~~adopted ~~by~~967 the administrator,original ~~with~~record ~~the~~advice ~~and~~ ~~consent~~may ~~of~~be ~~the~~offered ~~bureau~~in ~~of~~like ~~968~~manner ~~workers'~~and ~~compensation~~may ~~board~~be ~~of~~received ~~directors~~,as ~~neither~~evidence ~~the~~in ~~969~~proceedings ~~administrator~~before ~~nor~~the ~~commission~~industrial ~~shall~~commission, ~~make~~staff ~~any~~hearing ~~finding~~officers, ~~or~~and ~~award~~district ~~970~~hearing ~~for~~officers, ~~payment~~and ~~of~~in ~~medical~~any ~~or~~court ~~vocational~~where ~~rehabilitation~~services ~~971~~submitted ~~for~~payment ~~more~~than ~~one~~year ~~after~~the ~~date~~original ~~the~~record ~~972~~could ~~services~~have ~~were~~been ~~rendered~~introduced. ~~or~~more ~~than~~one ~~year~~after ~~the~~ date ~~the~~973 services ~~became~~payable ~~under~~division (I) ~~of~~section ~~4123.511~~ 974 of the Revised Code, ~~whichever~~is ~~later~~.

~~No~~Sec. ~~medical~~or ~~975~~ vocational ~~rehabilitation~~ provider shall bill a claimant for ~~976~~ services ~~rendered~~ if the administrator or commission is ~~977~~ prohibited from making that payment ~~under~~this ~~division~~.

~~978~~ (C)(D) Division (B)(C) of this section does not apply to ~~979~~ requests made by the centers for medicare and medicaid services ~~980~~ in the United States department of health and human services for ~~981~~ reimbursement of conditional payments made pursuant to section ~~982~~ 1395y(b)(2) of title 42, United States Code (commonly known as ~~983~~ the "Medicare Secondary Payer Act").

~~984~~ (D)(E) This section does not affect the right of a ~~985~~ claimant to compensation accruing subsequent to the filing of ~~986~~ any such application, provided the application is filed within ~~987~~ the time limit provided in this section.

~~988~~ (E)(F) This section does not deprive the commission of its ~~989~~ continuing jurisdiction to determine the questions raised by any ~~990~~ application for modification of award which has been filed with ~~991~~ the commission after June 1, 1932, and prior to the expiration ~~992~~ of the applicable period but in respect to which no award has ~~993~~ been granted or denied during the applicable period.

~~994~~ Am.

~~H-~~

~~B-~~

~~No-~~

81 Page 35 ~~As Re- Referred by the House Rules and Reference Committee (F)(G) The commission may, by general rules, provide for 995 the destruction of files of cases in which no further action may 996 be taken.~~

~~997~~ (G)(H) The commission and administrator of workers' ~~998~~ compensation each may, by general rules,

~~provide for the 999 retention and destruction of all other records in their 1000 possession or under their control pursuant to section 121.211 1001 and sections 149.34 to 149.36 of the Revised Code. The bureau of 1002 workers' compensation may purchase or rent required equipment 1003 for the document retention media, as determined necessary to 1004 preserve the records.~~

~~Photographs, microphotographs, microfilm, 1005 films, or other direct or electronic document retention media, 1006 when properly identified, have the same effect as the original 1007 record and may be offered in like manner and may be received as 1008 evidence in proceedings before the industrial commission, staff 1009 hearing officers, and district hearing officers, and in any 1010 court where the original record could have been introduced.~~

~~1011 Sec.~~

(A) Except as otherwise provided in this ~~1012~~ division or divisions (I) and (K) of this section, every ~~1013~~ employee, who is injured or who contracts an occupational ~~1014~~ disease, and the dependents of each employee who is killed, or ~~1015~~ dies as the result of an occupational disease contracted in the ~~1016~~ course of employment, wherever the injury has occurred or ~~1017~~ occupational disease has been contracted, is entitled to receive ~~1018~~ the compensation for loss sustained on account of the injury, ~~1019~~ occupational disease, or death, and the medical, nurse, and ~~1020~~ hospital services and medicines, and the amount of funeral ~~1021~~ expenses in case of death, as are provided by this chapter.

The ~~1022~~ compensation and benefits shall be provided, as applicable, ~~1023~~ directly from the employee's ~~self-insuring~~ self-insuring employer as provided ~~1024~~ in section 4123.35 of the Revised Code or from the state ~~1025~~ insurance Am. fund.

An employee or dependent is not entitled to receive compensation or benefits under this division if the employee's injury or occupational disease is either of the following:

(1) Purposely self-inflicted;

(2) Caused by the employee being intoxicated, under the influence of a controlled substance not prescribed by a physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner, or under the influence of marihuana if being intoxicated, under the influence of a controlled substance not prescribed by a physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner, or under the influence of marihuana was the proximate cause of the injury.

(B) For the purpose of this section, provided that an employer has posted written notice to employees that the results of, or the employee's refusal to submit to, any chemical test described under this division may affect the employee's eligibility for compensation and benefits pursuant to this chapter and Chapter 4121.

of the Revised Code, there is a rebuttable presumption that an employee is intoxicated, under the influence of a controlled substance not prescribed by the employee's physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner, or under the influence of marihuana and that being intoxicated, under the influence of a controlled substance not prescribed by the employee's physician, certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner, or under the influence of marihuana is the proximate cause of an injury under either of the following conditions: