

# **COMPARISON DOCUMENT**

House Bills 51 and 52  
131st General Assembly

Budget Bills for the  
Ohio Industrial Commission  
and  
Bureau of Workers' Compensation

(FY 2016 – FY 2017)

**As Introduced**  
**As Passed by the House**  
**As Reported by Senate Transportation, Commerce and Labor**

**Legislative Service Commission**

**June 19, 2015**

Executive	As Passed by the House	As Reported By Senate Transportation, Commerce & Labor
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<b>OICCD2</b>	<b>Hearing spike personal service contracts</b>	
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No provision.		
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<b>R.C. 4121.351, (Repealed)</b>	<b>R.C. 4121.351, (Repealed)</b>
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Eliminates the ability of the Industrial Commission to enter into personal service contracts with attorneys to serve as temporary district or staff hearing officers during a hearing spike and eliminates the requirement that the Industrial Commission prepare monthly reports regarding the use of these temporary officers.	Same as the House.
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<b>Fiscal effect: Potential reduction in costs of preparing monthly reports, and potential decrease in hearing costs.</b>	<b>Fiscal effect: Same as the House.</b>
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<b>OICCD1</b>	<b>Rent - William Green Building</b>	
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<b>Section: 1</b>	<b>Section: 2</b>	<b>Section: 2</b>
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Requires that appropriation item 845402, Rent - William Green Building, be used to pay for rent and operating expenses for the space occupied by the Industrial Commission in the William Green Building.	Same as the Executive.	Same as the Executive.
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Executive As Passed by the House As Reported By Senate Transportation, Commerce & Labor

**BWCCD7 Appeals regarding Health Partnership Program participation**

**R.C. 119.12**

Requires appeals of the Bureau of Workers' Compensation decisions regarding participation in the Health Partnership Program to be filed in the Franklin County Court of Common Pleas rather than, as under current law, filing the appeal in the court of common pleas of the county in which the place of business of the provider or the managed care organization is located or the provider is a resident and, pursuant to administrative rule, filing a copy of that appeal in the Franklin County Court of Common Pleas.

**Fiscal effect: Potential increase in court costs for the Franklin County Court of Common Pleas to hear these appeals. Possible administrative savings for BWC to be realized under Fund 7023 line item 855407, Claims, Risk and Medical Management.**

**R.C. 119.12**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**R.C. 119.12**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**BWCCD4 Elimination of the Long Term Care Loan Program**

**R.C. 4121.37, 4121.48 (repealed)**

Eliminates the Long-term Care Loan Program that allows BWC to make interest-free loans to nursing homes or hospitals so that they may purchase, improve, install, or erect certain lift equipment and electric beds to implement a facility policy of no manual lifting of residents by employees.

**Fiscal effect: Few such loans have been made in recent fiscal years. Interest paid by BWC amounted to \$644 in FY 2013 and no payments were made during FY 2014.**

**R.C. 4121.37, 4121.48 (repealed)**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**R.C. 4121.37, 4121.48 (repealed)**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

Executive As Passed by the House As Reported By Senate Transportation, Commerce & Labor

**BWCCD5 Number of unclassified employees in Division of Safety and Hygiene**

**R.C. 4121.37**

Allows the Administrator of Workers' Compensation to designate more than six unclassified positions in the Division of Safety and Hygiene (current law limits the number of such designated employees to six) and removes the requirement that the BWC Board of Directors advise and consent on those designations.

**Fiscal effect: None apparent. However, if the Administrator were to hire additional unclassified employees, there could be some additional payroll costs.**

**R.C. 4121.37**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**R.C. 4121.37**

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**BWCCD12 Self-insured employers: BWC rehabilitation and handicap reimbursement programs**

**R.C. 4121.61, 4121.65, 4121.66, 4121.67, 4121.68, 4123.34, 4123.35, and 4123.56**

Eliminates the requirement that a self-insuring employer be approved by the Bureau of Workers' Compensation prior to furnishing rehabilitation services directly.

Requires a self-insuring employer to furnish or pay directly for rehabilitation services, counseling, training, living maintenance payments, and certain wage loss compensation, or compensation and benefits for an injury, occupational disease, or death that results from a claimant's participation in a rehabilitation program rather than allowing for those payments to be made initially from the Surplus Fund Account within the State Insurance Fund.

Requires a self-insuring employer to furnish or pay directly, for all compensation, benefits, and services due to an employee for injury, occupational disease, or death caused by a pre-existing mental or physical handicap of the employee, rather than allowing a portion of those payments

**R.C. 4121.61, 4121.65, 4121.66, 4121.67, 4121.68, 4123.34, 4123.35, and 4123.56**

Same as the Executive.

Same as the Executive.

Same as the Executive.

**R.C. 4121.61, 4121.65, 4121.66, 4121.67, 4121.68, 4123.34, 4123.35, and 4123.56**

Same as the Executive.

Same as the Executive.

Same as the Executive.

Executive	As Passed by the House	As Reported By Senate Transportation, Commerce & Labor
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to be made initially from the Surplus Fund within the State Insurance Fund as under current law.

**Fiscal effect: None. No self-insured employers in recent years have participated in either BWC's rehabilitation program or handicap reimbursement program. If a self-insured employer elects to participate in either program, BWC charges an assessment that is deposited into the Surplus Fund to cover related expenses.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**

**BWCCD8            Duties of BWC Audit and Actuarial Committees**

**R.C.        4121.129**

Requires the Workers' Compensation Audit Committee to recommend an accounting firm to the BWC Board of Directors to perform the Auditor of State's annual audit of the Safety and Hygiene Fund and administration of the Workers' Compensation Law.

**R.C.        4121.129**

Same as the Executive.

**R.C.        4121.129**

Same as the Executive.

Eliminates the requirement that the Audit Committee recommend to the Board an actuarial firm to perform the required annual actuarial analysis of the workers' compensation funds.

Same as the Executive.

Same as the Executive.

Requires the Workers' Compensation Actuarial Committee to review and approve rate schedules prepared and presented by the BWC actuarial division or by contracted actuarial consultants rather than reviewing only those rate schedules prepared by contracted actuarial consultants as under current law.

Same as the Executive.

Same as the Executive.

**Fiscal effect: Minimal. There may be some administrative savings for BWC if the rate schedules that the Actuarial Committee are to review and approve can be done by BWC actuarial staff rather than contract actuarial consultants.**

**Fiscal effect: Same as the Executive.**

**Fiscal effect: Same as the Executive.**





Executive As Passed by the House As Reported By Senate Transportation, Commerce & Labor

**BWCCD9 DWRF assessments and alternative funding of claims for certain private and public taxing district employers**

**R.C. 4123.411, 4123.419**

Permits, rather than requires under current law, the Administrator of Worker's Compensation to levy assessments on employers for amounts necessary to sustain Disabled Worker Relief Fund (DWRF) for claims occurring before January 1, 1987.

Allows the Administrator, with the advice and consent of the Bureau of Workers' Compensation Board of Directors, to transfer investment earnings of the surplus or reserve accounts in the State Insurance Fund amounts necessary to the DWRF to cover DWRF claims involving private and public taxing district employers, rather than levying these assessments against these employers.

Eliminates the current law requirement to make transfers from the Disabled Worker Relief Fund to the GRF to reimburse the GRF for moneys appropriated for disabled worker relief.

**Fiscal effect: Potential reduction in moneys within the surplus and reserve accounts in the State Insurance Fund; however, DWRF claims in this provision are becoming rare. Also, potential small savings for certain private and public taxing district employers that will no longer be charged DWRF assessments.**

**R.C. 4123.411, 4123.419**

Same as the Executive.

Same as the Executive.

Same as the Executive.

**Fiscal effect: Same as the Executive.**

**R.C. 4123.411, 4123.419**

Same as the Executive.

Same as the Executive.

Same as the Executive.

**Fiscal effect: Same as the Executive.**





<b>Executive</b>	<b>As Passed by the House</b>	<b>As Reported By Senate Transportation, Commerce &amp; Labor</b>
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**BWCCD15      OSHA On-Site Consultation Program**

**Section: 3**

Allows a portion of appropriation item 855609, Safety and Hygiene Operating, to be used to match federal funding for the federal Occupational Safety and Health Administration's On-Site Consultation Program operated by the Division of Safety and Hygiene..

**Section: 3**

Same as the Executive.

**Section: 3**

Same as the Executive.

**BWCCD16      Interagency agreement for provision of vocational rehabilitation services**

**Section: 3**

Requires BWC and the Opportunities for Ohioans with Disabilities Agency to enter into an interagency agreement for the provision of vocational rehabilitation services and staff to mutually eligible clients. Specifies that BWC may provide up to \$605,407 in each fiscal year from the State Insurance Fund as part of the interagency agreement.

**Section: 3**

Same as the Executive.

**Section: 3**

Same as the Executive.

Executive As Passed by the House As Reported By Senate Transportation, Commerce & Labor

**BWCCD17 Deputy Inspector General for BWC and OIC funding**

**Section: 4**

Requires the Director of Budget and Management to transfer \$212,500 in cash from the Workers' Compensation Fund (Fund 7023) to the Deputy Inspector General for the Bureau of Workers' Compensation and Industrial Commission Fund (Fund 5FT0) on July 1 and January 1 of each fiscal year, or as soon as possible after these dates, to pay for the costs of the Deputy Inspector General for the Bureau of Workers' Compensation and Industrial Commission over the FY 2016-FY 2017 biennium. Authorizes the Inspector General to seek Controlling Board approval for additional cash transfers and appropriations if needed.

**Section: 4**

Same as the Executive.

**Section: 4**

Same as the Executive.

**BWCCD20 Study of BWC appropriation reductions**

No provision.

No provision.

**Section: 6**

Requires the Administrator of Workers' Compensation to study the Bureau's operations and create a report detailing how the Bureau's aggregate appropriations in FY 2016 and FY 2017 may be reduced by 5%. Requires that the report be submitted to the Speaker of the House and the President of the Senate no later than 90 days after the effective date of the provision.