

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4123-3-37

Rule Type: Amendment

Rule Title/Tagline: Lump sum advancements.

Agency Name: Bureau of Workers' Compensation

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 4/8/2019
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4121.12, 4121.121, 4121.30, 4121.31, 4123.05
5. **What statute(s) does the rule implement or amplify?** 4123.57, 4123.64, 4123.65
6. **What are the reasons for proposing the rule?**

Pursuant to R.C. 119.032, state agencies are required to review all agency rules every five years to determine whether to amend the rules, rescind the rules, or continue the rules without change. Due to such review, the Bureau is proposing to amend this rule for the purposes explained below.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule authorizes the administrator of the bureau of workers' compensation to award compensation to a lump sum payment to a claimant or the surviving spouse. The proposed changes are to replace references to "injured worker" with "claimant" to clarify the lump sum may be granted under special circumstances as provided in R.C. 4123.64.

8. **Does the rule incorporate material by reference?** No
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

The impacted community consists of injured workers, injured worker representatives (attorneys), employers, and employer representatives. There is no cost of compliance with this rule; an injured worker who applies for lump sum advancement receives compensation payments in a lump sum rather than over time. The impact is in the time value of those payments.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).** No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. Does this rule have an adverse impact on business? No

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

A claimant or surviving spouse who wishes to receive compensation as a lump sum advancement must file an application with the Bureau providing proof of special circumstances and that the lump sum advancement is advisable for the purpose of providing financial relief or furthering the claimant's rehabilitation.