

**MEMORANDUM**

TO: Tom Sico, Bureau of Workers' Compensation

FROM: Paula Steele, Regulatory Policy Advocate

DATE: April 19, 2013

RE: **CSI Review – BWC Claims Procedure Rules** (OAC 4123-3-15 and 4123-3-37)

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of two Bureau of Workers' Compensation (BWC) amended draft rules that address the Bureau's claims procedures once a claim has been allowed. The rule package was filed with the CSI Office on March 11, 2013, and the comment period for the rule closed on April 15, 2013. No comments were received during the public comment period.

Rules that create an adverse impact as defined by ORC 107.52 must be submitted to CSI for review. Overall, the proposed rules may create an adverse impact to business by requiring some potential reporting or notifications by employers. However, because the rule package is not subject to a five-year review under ORC 119.032, CSI focused its review on the amended portions of the rule which do not appear to create any adverse impacts to business. The amendments are intended to implement changes in ORC 4123.57 (B) which requires the Bureau or a self-insuring employer to pay permanent partial disability awards, as a result of amputation or loss of use of a body part, on a weekly basis. The changes also permit a lump sum payment according to procedures in ORC 4123.64 or 4123.57 (B).

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After reviewing the proposed rule and BIA, the CSI Office has determined that the rule satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule justifies the adverse impact identified in the BIA.

Recommendations

For the reasons described above, the CSI Office has no recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Bureau should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Stephen Buehrer, Administrator/CEO, Ohio Bureau of Workers' Compensation
Mark Hamlin, Lt. Governor's Office