

4123-19-13

Self-insuring employers evaluation board.

(A) Section 4123.352 of the Revised Code establishes a self-insuring employers evaluation board. The board shall consist of three members:

- (1) The member of the industrial commission representing the public shall serve, ex officio, as chairman.
- (2) A member of the "Ohio Self-Insurers Association" shall be appointed by the governor with the advice and consent of the senate.
- (3) A member of labor shall be appointed by the governor with the advice and consent of the senate.
- (4) Not more than two of the members shall be of the same political party.
- (5) For purposes of administration, the board shall be part of the bureau of workers' compensation. The bureau shall furnish the necessary office space, staff, and supplies. The board shall meet as the board determines or as requested by the bureau.

(B) All unresolved complaints or allegations of misconduct against a self-insuring employer shall be referred to the board by the bureau. ~~At the claimant's request, the board may elect to hear a complaint that had been dismissed by the bureau.~~

- (1) The board shall investigate and may order the employer to take corrective action in accordance with such schedule as the board fixes.
- (2) A board determination need not be made by formal hearing but must be issued in written form and contain the signatures of at least two members.
- (3) If after a hearing pursuant to Chapter 119. of the Revised Code and rules of the commission and bureau, the board determines an employer has failed to correct deficiencies within the time fixed by the board, or is otherwise violating Chapter 4123. of the Revised Code or the rules of the industrial commission or the bureau ~~of workers' compensation~~, the board shall recommend to the administrator of workers' compensation:
 - (a) Revocation of the employer's privilege of self-insurance;
 - (b) Probation;
 - (c) A civil penalty not to exceed ten thousand dollars for each violation of the law or rules, payable into the self-insuring employers' ~~surety bond~~ guaranty fund; or

- (d) Any other appropriate penalty.
- (4) A board recommendation to revoke an employer's privilege of self-insurance must be by unanimous vote.
- (5) A penalty other than revocation shall be by majority vote of the board and will be the responsibility of the bureau to monitor for compliance.
- (6) The bureau shall promptly and fully implement recommendations from the board for disciplining a self-insuring employer.

Effective: 8/1/2019

Five Year Review (FYR) Dates: 6/1/2022

CERTIFIED ELECTRONICALLY

Certification

07/11/2019

Date

Promulgated Under: 119.03

Statutory Authority: 4121.12, 4121.121, 4121.30, 4123.05

Rule Amplifies: 4123.35

Prior Effective Dates: 08/22/1986 (Emer.), 11/17/1986 (Emer.), 01/10/1987,
05/09/1990, 12/17/2001, 08/18/2017