

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4123-3-08

Rule Type: Amendment

Rule Title/Tagline: Preparation and filing of applications for compensation and/or benefits.

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?** 9/13/2024
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
5. **What statute(s) does the rule implement or amplify?** 4121.121, 4123.032, 4123.05, 4123.28, 4123.511, 4123.68, 4123.84, 4123.85, 4123.89
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

Pursuant to R.C. 106.03, 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.

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule outlines the preparation and filing of applications for compensation and/or benefits. The proposed change is to remove language regarding the time limitations within which injury claims occurring prior to September 29, 2017, must be filed, as the relevant time period has expired.

- 9. Does the rule incorporate material by reference? No**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

- 11. 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

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

No fiscal effects expected on current or future budgets.

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

No new costs of compliance.

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

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

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

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

18. Does this rule have an adverse impact on business? Yes

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

This rule requires an application to be submitted to the Bureau in order to be considered for compensation and/or benefits.

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 12

4123-3-08(A)(3)

such minor employee shall be sufficient to initiate proceedings for compensation and/or benefits.

4123-3-08(A)(5)

It shall be the duty of every employer to assist injured or disabled employees

4123-3-08(A)(7)

division (A) of section 4123.57 of the Revised Code prior to the employee's death, shall be made by the injured employee's dependents.

4123-3-08(B)(1)

accept or reject the validity of a claim filed against its risk within the time as required by sections 4123.511

4123-3-08(B)(1)

the bureau shall take such further action in the claim

4123-3-08(B)(3)

Certification by the employer in state fund cases shall not be determinative of compensability.

4123-3-08(C)

Any first report of injury shall be accepted for filing

4123-3-08(D)(1)

Such claims occurring prior to September 29, 2017, shall be forever barred

4123-3-08(D)(1)

failure to file a report as required by section 4123.28 of the Revised Code.

4123-3-08(D)(1)

Such claims occurring on or after September 29, 2017, shall be forever barred unless notice is filed with the bureau

4123-3-08(D)(1)

failure to file a report as required by section 4123.28 of the Revised Code.

4123-3-08(D)(3)

The bureau of workers' compensation and the industrial commission have continuing jurisdiction over a claim which meets the requirement of section 4123.84 of the Revised Code.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable