

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4123-3-15.1

**Rule Type:** Amendment

**Rule Title/Tagline:** Dismissal of an application for the determination of percentage of permanent partial disability.

**Agency Name:** Bureau of Workers' Compensation

**Division:**

**Address:** 30 West Spring Street Columbus OH 43215

**Contact:** Eva Dixon **Phone:** 614-644-8346

**Email:** Eva.d.2@bwc.ohio.gov

#### **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, 4123.05
5. **What statute(s) does the rule implement or amplify?** 4121.121, 4123.57, 4123.65
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 deals with dismissal of an application for the determination of percentage of permanent partial disability, and addresses how the Bureau will notify an injured worker of a possible dismissal of a C-92 application and the injured worker's right to refile a C-92 application. The proposed syntax and grammatical changes improve the consistency and clarity of the proposed rule, and these proposed changes are not intended to provide substantive changes.

**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?**

This rule mainly directs the Bureau as to the procedure for dismissal of a C-92 application submitted by an injured worker. An injured worker or their representative has the right to refile a dismissed C-92 application, which may incur cost of the injured workers' or representative's time.

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? Yes

If the Bureau schedules an employee for a medical examination for determination of the percentage of permanent partial disability or for an increase of permanent partial disability and the employee fails to attend the examination without an explanation for missing the examination, the Bureau shall reschedule the employee for an examination. If the employee fails to respond or fails to provide an explanation, the Bureau shall dismiss the application.
  - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
  - 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? 2**

4123-3-15.1(A)(2)

The employee shall file the application subject to the continuing jurisdiction limitations of section 4123.52 of the Revised Code

4123-3-15.1(B)(2)

The employee shall file the application subject to the continuing jurisdiction limitations of section 4123.52 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