

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4123-3-15.1

Rule Type: New

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 W. Spring St. Columbus OH 43215

Contact: Aniko Nagy

Email: aniko.n.1@bwc.state.oh.us **Phone:** 614-466-3293

I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 27 - 132 - Rep. Brinkman
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. **What are the reasons for proposing the rule?**

On June 30, 2017, Governor John Kasich signed into law Substitute House Bill 27 of the 132nd General Assembly. Included in the Act is an amendment to R.C. 4123.57, effective September 29, 2017. R.C. 4123.57 provides for the payment of various forms of partial disability compensation to injured workers. The Bureau is proposing this new rule to comply with statutory changes.

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

The new rule is titled: Dismissal of an application for the determination of percentage of permanent partial disability and it is addressing 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.

- 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.**

The Bureau is revise filing this rule to add periods that was missing from three of the paragraphs.

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

n/a

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

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

- 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? 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