

4123-3-32 Temporary total examinations.

- (A) Pursuant to the provisions of section 4123.53 of the Revised Code, the bureau of workers' compensation shall schedule an examination to determine the employee's continued entitlement to temporary total disability compensation, the employee's rehabilitation potential, and the appropriateness of the employee's medical treatment. The bureau shall schedule the examination for a date not later than thirty days following the end of the initial ninety-day period of temporary total disability compensation. The bureau shall mail a copy of the bureau's determination to schedule the examination to the employee, employer, and their authorized representatives, except where the bureau has determined the employer is out of business.
- (B) If the result of the medical examination is that the employee continues to receive temporary total disability compensation, the bureau shall determine a date for the employee to be scheduled to be reexamined. The bureau shall determine a date for the subsequent examination based upon the recommendation of the medical examiner or other available evidence. If at the date the bureau has determined to schedule the employee to be reexamined the employee is receiving temporary total disability compensation, the bureau shall schedule the employee for the examination. The bureau shall continue to determine dates to schedule the employee for subsequent examinations as long as the employee continues to receive temporary total disability compensation.
- (C) The bureau, for good cause, may waive the scheduling of the employee's medical examination under section 4123.53 of the Revised Code. "Good cause" shall be determined at the discretion of the bureau, but generally shall be for a reason that the medical examination is not feasible, such as the employee's medical instability. The bureau shall contact the employer or the employer's representative if the bureau determines that a waiver of the examination is advisable. If the employer objects to the bureau's waiver of the medical examination, the bureau shall schedule the medical examination. If the employer does not object to the bureau's waiver of the examination, the bureau shall notify the employee, employer, and their authorized representatives of the waiver of the examination, except where the bureau has determined the employer is out of business. If the bureau has waived an examination, the bureau shall determine a date for the employee to be scheduled to be reexamined pursuant to paragraph (B) of this rule.
- (D) An employer of an employee scheduled for an examination by the bureau under section 4123.53 of the Revised Code may waive the bureau's scheduling of any such examination. The employer shall notify the bureau of its intent to waive the examination. The employer shall indicate whether the waiver is temporary or permanent, the reason for the waiver, and, if applicable, a recommended subsequent date upon which the employee should be reevaluated for scheduling the examination if the employee is receiving temporary total disability compensation. The waiver shall indicate the name and title of the person waiving the examination for the employer. The bureau may schedule the examination even if the employer waives the examination where the bureau determines that an examination is necessary. The bureau shall cancel the examination if the bureau had scheduled the examination and agrees with the employer's waiver of the examination.
- (E) The bureau shall conduct ninety day examinations for employees of self-insuring employers upon the request of the self-insuring employer. A self-insuring employer may determine that a ninety day examination is not necessary, and in that instance may decide not to request such examination be conducted by the bureau. At the appropriate time thereafter, the self-insuring employer may request that the ninety day examination be conducted. The self-insuring employer shall pay for the ninety day examination, as well as all reasonable expenses associated with the ninety day examination.
- (F) Medical examinations scheduled under this rule shall not operate to limit medical examinations provided for

in other provisions of Chapter 4121. or Chapter 4123. of the Revised Code.

Effective: 6/18/18

Prior Effective Dates: 9/15/91, 10/4/04, 2/10/09, 4/1/14