



Update: Lump-sum payment of scheduled-loss benefits

In early May, an Ohio appellate court rendered a decision that has generated several inquiries to us regarding lump-sum payment of scheduled-loss benefits. In *Kljun v. Morrison*, the court found that a 2012 legislative change to Ohio Revised Code (ORC) 4123.57 violated the “one subject rule” found in the Ohio Constitution. This decision nullifies this legislative addition to ORC 4123.57.

However, several Ohio Administrative Code (OAC) rules still govern the process for payment of scheduled-loss benefits. OAC 4123-3-15 addresses scheduled-loss benefits. It also directs that we pay these benefits on a weekly basis. Should an injured worker want us to pay the scheduled-loss benefits in a lump sum, OAC 4123-3-37 addresses the process he or she must use when making this request. We will administer all scheduled-loss benefit requests in accordance with these two administrative rules, which were unaffected by the court’s decision in *Kljun*.

Payroll true-up grace period for private employers

The deadline for private employers to submit their payroll true-up report was Aug. 15. However, because this is a new process, we have extended a grace period until Sept. 29 to ensure all private employers are able to complete this requirement.

The payroll true-up is a new process that requires employers to report their actual payroll for the previous policy year and reconcile any differences in premium paid. It is an important step that is necessary for us to accurately calculate an employer’s premium. Employers must complete this report even if their payroll for the year matches the estimate we provided or they had zero payroll.

The quickest and easiest way to true-up is online with a BWC e-account. For more information on the payroll true-up, click [here](#).

Medical marijuana and workers’ compensation in Ohio

With the passage of medical marijuana legislation in Ohio, we have received many questions about whether medical marijuana can be used in the medical treatment of an

injured worker. For purposes of medical treatment in a workers' compensation claim, we cannot include the use of medical marijuana as part of an injured worker's treatment plan.

There are several legal barriers to using medical marijuana in the management of the medical portion of a workers' compensation claim in Ohio. First, Ohio law prohibits us from reimbursing for medications that are not FDA-approved. At this time, no form of medical marijuana is FDA-approved.

Second, Ohio law prohibits us from reimbursing for medications that we do not include in our drug formulary. Our formulary does not include medical marijuana as a prescribed medication eligible for reimbursement.

While the Ohio Legislature has legalized medical marijuana in Ohio for some purposes, these specific provisions of Ohio law prevent the State Insurance Fund from reimbursing for medical marijuana in a workers' compensation claim.

For more BWC-specific information, you can check out this [fact sheet](#), or go to <http://medicalmarijuana.ohio.gov> for general information on this topic.

Texts to dependent-students receiving survivor benefits

We have begun texting on a limited basis to communicate with dependent-students who are receiving survivor benefits. In the past, we sent letters and made phone calls to remind a dependent-student to submit a copy of the grade-transcript and class schedule so benefits could continue. This process was often time-consuming and did not result in connecting with the dependent-student. Since texting is a preferred means of communication for most students, many agreed to receive texts. We have found texting to be a much more effective means to send reminders so that a student's benefits are not interrupted.

We are considering expanding the use of texting to other customers. We will continue to evaluate the success in sending reminders to dependent-students before expanding this mode of communication to other customers. We will only use texting when the customer agrees and the message will contain very limited information. We will not include in a text any confidential information, such as claim numbers or allowed conditions, nor will we use texting for any communication that requires due process.

BWC implements percent permanent partial (%PP) Kaizen recommendations

Early this year, we conducted a Kaizen event to look at the percent permanent partial (%PP) process. Kaizen is a Japanese term meaning to break apart or change (kai) for the better (zen). The team spent four days mapping the current process and creating a future state. Co-facilitators, Six Sigma black belts, Jill Stevenson and Scottie Powell, led the team through activities using lean tools with one goal in mind: simplify and improve the process.

During the last several months, we have implemented some recommendations that resulted from the Kaizen. First, we identified a designated pilot team to process the Application for Determination of Percentage of Permanent Partial Disability or Increase of Permanent Partial Disability (C-92) submissions. This team should greatly reduce the waiting period to process a C-92. Also, we invited Dr. Mohammed Ranavaya, co-author of the AMA Guides® to the Evaluation of Permanent Impairment, Fifth edition, to train our field nurses on how to complete combined effects.

Going forward, our field nurses will complete most combined effects instead of physicians. The team also recommended that after the first no-show, absent good cause, for a required exam, field staff may suspend the C-92 application until the injured worker or authorized representative re-initiates contact and agrees to attend the exam. Through an activity called Poke Yoke, meaning mistake proofing, the team also reviewed and revised the:

- C-92;
- Percentage of Permanent Partial Disability Worksheet/10-Year Check (C-123);
- Report of Permanent Partial Disability Increase Medical File Review (C-253);
- Self-Insuring Employer Notice and Request for Information for C-92-C-92A Application (C-256);
- The exam referral staff sends to the physician.

Through Kaizen, the team reduced the amount of process steps by 61 percent, decision points by 66 percent, and delay by 74 percent. To see a complete review of the week and recommendations, click [here](#).



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