

**From:** Ohio Bureau of Workers' Compensation  
**Sent:** Tuesday, August 29, 2017  
**Subject:** RepConnect - August 2017

Aug. 31, 2017



## Electronic file duplication

In May, we informed you that we have discontinued the use of all toll-free fax numbers attached to our claims offices. Please continue to fax documents to 1-866-336-8352, and allow 48 hours before re-faxing a document. This will reduce the number of duplicate documents we receive.

Also, if you have filed a document online, please avoid faxing it as well. We often see duplicate documents relating to [C-92 and C-92A](#) applications. The following are tips to help prevent duplicating documents in the file.

- When filing the C-92/C-92A online, you do not need to fax the verification screen and the C-92/C-92A as well.
- If you filed a C-92/C-92A without a C-230, do not re-file the C-92/C-92A when submitting your C-230.
- Avoid re-filing a C-92/C-92A when the original application is suspended for pending additional allowance, pending claim allowance, failure to appear, etc. and the underlying issues may or may not be resolved.
- When faxing supporting medical for a C-92 already submitted online, you do not need to fax the C-92 again.
- If you fax an application, do not mail it as well, or vice-versa.

Finally, use the tips below to prevent duplication of documents when filing a [Motion \(C-86\)](#) or any other form requesting action.

- If you have previously submitted supporting documentation, reference it in the lower

section of the motion or form.

- Then note the dates of the supporting evidence as well as the date you submitted it.

**Note:** For more accurate service, please document the claim number on each page you are faxing. Also, this change does **not** affect managed care organizations; they will continue to use the fax numbers assigned. It also does not impact the lump sum settlement fax lines.

## **BWC Budget Bill**

### ***Substitute House Bill 27 of the 132nd General Assembly***

On June 30, 2017, Gov. John Kasich signed into law Substitute House Bill 27 (HB 27), the BWC Budget Bill. In addition to authorizing funding for BWC for fiscal years 2018 and 2019, HB 27 enacted approximately a dozen changes to the workers' compensation statutes. Below are some of the more significant amendments in the bill.

- Decreases the time for filing an injury claim from two years to one year, as referenced in [Ohio Revised Code \(ORC\) 4123.84](#)
- Revises the drug-testing standards for rebuttable presumption ([ORC 4123.54](#))
- Permits working wage loss for firefighter cancers ([ORC 4123.68](#))
- Prohibits payment of compensation or benefits to an incarcerated dependent ([ORC 4123.54](#))
- Authorizes BWC to waive the temporary total 90-day examination ([ORC 4123.53](#))
- Permits BWC to set the full weekly wage at the statewide minimum where there is not enough information to set the wage ([ORC 4123.56](#))
- Permits BWC to dismiss a C-92 application if an injured worker fails to schedule or attend a medical examination, and allows BWC to dismiss currently suspended applications with notice to the injured worker ([ORC 4123.57](#); Sections 741.10 and 741.30)
- Extends the time to appeal an Ohio Industrial Commission order to court from 60 days to 150 days if a party provides a notice of intent to settle the claim ([ORC 4123.512](#))
- Includes a settlement as a reducible cost for a handicap reimbursement ([ORC 4123.343](#))
- Allows BWC to pay Medicare claims up to \$500 after a reasonable determination that the claim is likely to be payable ([ORC 4123.66](#))
- Requires BWC to develop standards for maintaining adequate provider access ([ORC 4121.44](#))

Under the Ohio Constitution, the amendments in HB 27 are effective on the 91st day following the governor's signature and the filing of the Act with the secretary of state. Thus, the effective date is Sept. 29, 2017. Also, ORC 1.48 provides that "a statute is

presumed to be prospective in its operation unless expressly made retrospective.” These provisions present challenges to BWC in determining how to apply the amendments.

HB 27 offers some guidance, containing a few provisions addressing the application of some amendments. Below are some examples.

- Section 741.10 deals with the C-92 dismissal process and states the amendment to [ORC 4123.57](#) applies to any application filed on or after the effective date of the Act, regardless of the date of injury of the claim.
- Section 741.20 deals with changes to the settlement process, the change from two years to one year to file a claim, the prohibition on paying an incarcerated dependent, and changes on the presumption for firefighter cancer claims. These provisions apply to claims with a date of injury on after Sept. 29, 2017.
- Section 741.30 deals with the backlog of C-92 applications. This process begins Sept. 29, 2017, but applies to the backlog claims.

In the absence of a specific provision, BWC is working on rules and policies to implement the amendments.

For example, to implement the amendment to [ORC 4123.343](#) that includes a settlement as a reducible cost for a handicap reimbursement, BWC will propose the following rules:

- Where the handicap reimbursement determination is made on or after Sept. 29, 2017, BWC will apply the handicap reimbursement to a lump sum settlement effective before, on or after Sept. 29, 2017;
- Where the lump sum settlement is effective on or after Sept. 29, 2017, BWC will apply the handicap reimbursement to a handicap reimbursement determination made before, on or after Sept. 29, 2017;
- Where both the handicap reimbursement determination was made and the lump sum settlement was effective prior to Sept. 29, 2017, BWC will not apply the handicap reimbursement to the lump sum settlement.

For questions or comments on the effective dates and claims impacted by HB 27, email [Tom Sico](#) of the BWC Legal Division.



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Questions? Send us an email [reconnect@bwc.state.oh.us](mailto:reconnect@bwc.state.oh.us)

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