

**From:** Ohio Bureau of Workers' Compensation

**Sent:** Wednesday, August 22, 2018

**Subject:** SI eNews - August 2018



# SI Newsletter

## **Self-insured assessments**

We mailed the self-insured (SI) assessment invoices on Aug. 1, 2018, with a due date of Aug. 31, 2018. For the first time, the invoices were available online, allowing SI employers to obtain their invoices in real time.

Click here to view [electronic invoices](#) and [assessment details](#).

We encourage SI employers to pay the assessments online using an electronic check, automated clearing house transfer or credit card. This ensures a timely payment and provides an audit trail and, most importantly, avoids late payment penalties. You can also schedule electronic payments in advance to ensure the correct payment date.

Click [here](#) to make online payments.

Unfortunately, there were some errors and unexpected omissions on the August assessment invoices. We did not include the Disabled Workers Relief Fund (DWRP)

charges in the August invoice. However, we have resolved the issue, and we will include the DWRP charges with the September invoices. You can view the DWRP charges [here](#).

Additionally, several employers' invoices did not include some or all the assessment charges. We are optimistic that we will resolve these issues soon. The SI department expects to include these adjusted charges on a future invoice. Contact us at [SIINQ@bwc.state.oh.us](mailto:SIINQ@bwc.state.oh.us) if you have any questions about your assessments.

**When paying your assessment, please remember to allow enough time for BWC to process and post the payment before the due date of Aug. 31, 2018, to avoid the late payment penalty.**

### **BWC's September SI department workshops**

The SI department conducts regularly scheduled workshops to provide information to SI employers and their representatives. The workshops are generally at BWC's facilities in Columbus, Cleveland and Cincinnati. These workshops cover multiple topics. We are exploring options to conduct workshops in other areas of the state.

In August 2018, the SI department is holding a series of workshops discussing preparation for Ohio Industrial Commission (IC) hearings, BWC's new website and regulatory updates. Tom Connor, the IC's director of hearing services, and Beryl Piccolantonio, chief ombudsperson for Ohio's workers' compensation system, will participate in the discussion to provide insights to the IC hearing process.

While it is standard that all parties in the hearing process must follow the evidence and discovery requirements, the discussion focuses on evidence and documentation you need to provide prior to the hearing by the employer.

By rule\* all parties must ensure evidence is available to all parties as soon as possible prior to the hearing. We encourage and expect free exchange of relevant information. Any dispute regarding evidence may lead to the hearing administrator scheduling a pre-hearing conference or issue a compliance letter.

It's important that evidence establishes the IC's jurisdiction to consider a claim and address an injured worker's right to receive an award.

Ohio rules requires employers to provide medical reports from treating physicians and consulting physicians to BWC and the injured worker and representatives. You must also provide any exam reports for consultations prior to the hearings.

While the hearing process is by its nature adversarial, compliance with the requirements will allow for effective and efficient decisions and prompt resolution of contested issues.

[\\*Ohio Administrative Code \(OAC\) 4121-3-09 \(A\) \(1\) \(a\)](#)

[\\*OAC 4123-19-03 \(K\) \(4\)](#)

### **BWC website**

Our re-designed website, [www.bwc.ohio.gov](http://www.bwc.ohio.gov), which launched in May, has received mostly positive feedback. The site is more intuitive to navigate, with a more accurate search engine and is mobile friendly.

The [self-insuring employer](#) site falls under the employer tab. Here you can view [assessment](#) invoices under Policy documents. Under the [Maintaining an SI policy](#) tab you are able to view the [renewal process](#), Report of Paid Compensation and Case Reserves (SI-40), assessment information and securitization information. Under the [Managing SI claims](#) tab you're able to see claims management resources including the self-insured employer claim procedural guide, bill and reimbursement manual and PTD calculation tools.

This provides a small sample of information available on our re-designed website.

### **Regulatory updates**

**Excess insurance** - We're proposing a rule to require that BWC is named is on any new excess insurance policy. This is to ensure that we can collect from the carrier in the event the self-insured (SI) employer defaults and we take over claims management.

**Assessment payments** - We're proposing a rule change requiring SI employers to pay assessments using the online payment offerings. This could be a waivable requirement with the understanding that using other payment methods will make challenging late payment penalties more difficult.

**Contract of Guaranty** - By code\*, SI employers must provide a contract of guaranty executed by the ultimate domestic parent. We are updating the BWC policy to reflect that employers who do not provide the contract of guaranty from the ultimate domestic parent will provide an additional form of security along with a written legal justification supporting the inability to provide the contract of guaranty. The additional security will be 250 percent of reported reserves on the employer's Report of Paid Compensation and Case Reserves (SI-40) submission.

\*Ohio Administrative Code 4123-19-03 (H)

### **Employer representation and AC-2s**

Ohio rules require self-insuring employers to identify one Ohio employee with knowledge of Ohio self-insured workers' compensation requirements to be the designated administrator. The designated administrator serves as a liaison between BWC and the Ohio Industrial Commission and the employer, as well as ensuring the employer assists its injured workers and complies with the administrative requirements for self-insurance. This responsibility must remain with an employer of the self-insured employer and you cannot outsource.

Employers can use an outside representative to assist with the claims process. This includes third party administrators, attorneys and risk management outsourcing. It's important to recognize the employer alone is responsible for all activity related to the self-insured program. This includes the actions taken by the outside representatives.

Employers must notify BWC, when they place representatives in the following roles, and within 30 days of a change in the representative's status:

- **ERC - employer/risk representative** - Authorized representative for risk- and claims-related issues. Receives all correspondence.
- **CLM - claim management representative** - Authorized representative for claims activity. Receives claims-related correspondence.
- **Risk management representative** - Authorized representative for risk-related issues. Receives risk-related correspondence.

An employer can only have one active representative in each category. Employers can update this information online using their e-account access. We'll update the information if an employer submits a Permanent Authorization ([AC-2](#)) to [SIINQ@BWC.state.oh.us](mailto:SIINQ@BWC.state.oh.us). If the appropriate contact for the employer submits an AC-2, the self-insured department will update the record and replace any existing representative in the designated category.

Counsel can represent employers under legal representative for specific claims using the [Employer Authorized Representative \(R-1\)](#).

\*Ohio Administrative Code 4123-19-03 (I)

## Upcoming events

Aug. 15, 21 and 22, 2018 - Self-insured workshops

Aug. 31, 2018 – Assessment payment due (See link to online payment above.)

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Questions? Please call 1-800-644-6292



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