

Ohio Bureau of Workers' Compensation August 2018 Self-Insured Department Workshops

On August 15, 21 and 22, 2018, the self-insured department held a series of workshops discussing Preparation for IC Hearings, to provide an understanding of the IC Hearing process from Tom Connor Director of Hearing Services and Beryl Piccolantonio- Chief Ombudsperson Workers' Compensation. These were held in the Garfield Heights, Governor's Hill and Pickerington offices.

Ms. Piccolantonio provided an overview of the Ombuds office and provided contact information. Mr. Connor discussed the Industrial Commission's roles and responsibilities. The IC is primarily responsible for adjudicating all disputed issues arising in the workers' compensation claims between employers and injured workers. Additionally, the Hearing Administrator's responsibilities were outlined.

The discussion focused on OAC 4121-3-09 (A) (1) (a) – the IC rule addressing evidence and discovery. This requires all evidence to be available to all parties as soon as possible prior to the hearing. It is important to have free exchange of information. Evidence should be able to establish the IC's jurisdiction to address the contested issue. OAC 4123-19-03 (K) (4) requires employers to provide medical reports from treating physician and consulting physicians to BWC and the injured worker. OAC 4121-3-13- E also addresses the requirement to provide reports prior to a hearing.

It is also important to understand that an issue being addressed by the Industrial Commission, may also have an administrative complaint being investigated by the BWC Self-Insured Department. BWC will not generally address the merits of the issue, but rather address whether the employer complied with the self-insured requirements.

Discussion Points

1. IC addresses the actual employer, but does not rule on the risk issues.
2. There are number of claims referred to IC and later cancelled. This is an issue with BWC and employers. It is important to ensure that all diagnoses are addressed when certifying a claim with the BWC.
3. The SI Employer maintains the official file, so all appropriate related documents should be submitted to BWC or uploaded on ICON prior to the hearing to ensure all evidence is considered. Please avoid submitting duplicate documents, and accurately label documents. Ensure BWC is notified when conditions are added to claims without a hearing.
4. When submitting surveillance, ensure it submitted with sufficient time to be reviewed and make it clear if it will be discussed at the hearing to allow for enough time.

The SI Department also provided a summary of proposed regulatory changes.

1. Excess Insurance- Requiring the policies to name BWC as beneficiary in the event an SI employer defaults
2. Assessment Payments- Requiring SI Employers to pay assessments online

3. Rule clarification for contract of guaranty from ultimate domestic parent- If an employer cannot provide a contract of guaranty, they must provide a written legal justification explaining why it cannot be provided. A letter of credit will be required if the request is approved.
4. Securitization Matrix is being updated for all renewals effective on 1/1/19 and after.