

Subrogation

Subrogation is the process by which BWC collects claims costs when a third party causes the workers' compensation injury.



Subrogation rights

Ohio law gives a right of subrogation to BWC, self-insuring employers, and certain employers who contract for the direct payment of medical services pursuant to section 4121.44 (P) of the Ohio Revised Code (ORC).

Subrogation allows BWC or a self-insuring employer the right to collect back the costs of the workers' compensation claim from the person or entity who caused the injury.

What types of claims can be subrogated?

The most common injury is a motor vehicle accident that another driver causes. There are many other situations in which subrogation can apply, and these include but are not limited to:

- Premises liability
- Product liability
- Medical malpractice;
- Construction site accidents
- Dog bites or animal attacks.

Referrals

Our claims service specialists make referrals directly to our Subrogation Department. Employers, managed care organizations, employer representatives, attorneys, and insurance companies can also make referrals by mail, email, phone, or fax. A referral form is available on our website.

Life of a subrogation claim

Once we obtain a valid referral, our Subrogation Department reviews it for completeness and to identify all involved parties. We then mail a letter asserting the claim to those parties.

Our Subrogation Department then negotiates the settlement of the BWC lien with the injured worker or their representative and/or the insurance company.

ORC 4123.931 governs how the recovery is calculated. It typically allows us to collect only a portion of the full lien.

Collection

In most cases, we credit the amount we collect to the employer's risk account at the time of the recovery. This usually reduces the amount of the claim costs. The subrogation collection may or may not result in a reduction of the employer's premium. It may take two years or longer to collect.

For more information

Call the Subrogation Department at 614-644-7410 or email subrogation.b.1@bwc.ohio.gov.