

Meeting Minutes
Wednesday, April 30, 2008 - 9:00 a.m.
30 West Spring Street, L30, Conference Room A

Present: Gary DiCeglio, Chairman
William Thompson, Commissioner
Kevin Abrams, Commissioner

Attendees: Patrick Gannon, Executive Director
Paul Walker, Legal Counsel
Tim Adams, Director, Non-Adjudicatory Operations
Tom Connor, Director, Hearing Services
Rick Tilton, Hearing Officer Trainer
Rupi Singh, Administrative Assistant
Janet Lucktenberg, Administrative Assistant
Susan Murnane, Administrative Assistant
Robin Hossfeld, Administrative Assistant

Chairman DiCeglio called the meeting to order. Mr. Gannon called the roll.

Roll Call:	Chairman DiCeglio	Present
	Commissioner Abrams	Present
	Commissioner Thompson	Present

Old Business:

- (A) January 30, 2008 Meeting Minutes: Commissioner Thompson moved to approve the minutes of the January 30, 2008 meeting. Commissioner Abrams seconded the motion. Mr. Gannon called the roll:

Roll Call Vote:	Chairman DiCeglio	Yes
	Commissioner Abrams	Yes
	Commissioner Thompson	Yes

New Business:

- (A) Hearing Officer Manual Memo A5 - Substantial Aggravation. The Commission members and staff discussed the draft substantial aggravation policy memo. After discussion, Commissioner Thompson moved that Hearing Officer Manual Memo A5 be adopted with the following change to the last sentence of the policy "...it is not necessary that the relied upon medical evidence contain an opinion as to

substantial aggravation.” Chairman DiCeglio seconded the motion. Mr. Gannon called roll:

Roll Call Vote:	Chairman DiCeglio	Yes
	Commissioner Abrams	Yes
	Commissioner Thompson	Yes

- (B) Hearing Officer Manual Memo C3 - Jurisdiction over the Issue of Maximum Medical Improvement. Tom Connor began the discussion of draft policy memo C3. After a lengthy discussion, the Commissioners decided to table this policy and discuss further.
- (C) Hearing Officer Manual Memo C5 - Temporary Total Disability/Treatment Due to Psychological Conditions. The Commissioners and staff discussed the draft policy memo regarding temporary total disability and treatment of psychological conditions. Revisions to the draft policy were as follows:
- (a) remove the first sentence of the paragraph.
 - (b) Replace the word an with the words a licensed to read “or a licensed independent social worker.”

Commissioner Abrams moved to adopt Hearing Officer Manual Memo C5 as revised. Commissioner Thompson seconded. Mr. Gannon called roll:

Roll Call Vote:	Chairman DiCeglio	Yes
	Commissioner Abrams	Yes
	Commissioner Thompson	Yes

- (D) Hearing Officer Manual Memo K1 - Allowance - Dismissal Order v. Merits. After discussing the draft policy in Memo K1 which includes a new paragraph under the heading (C) dealing with the allowance of a symptom rather than a condition, Commissioner Abrams moved to adopt Hearing Officer Manual Memo K1 as drafted. Chairman DiCeglio seconded. Mr. Gannon called roll:

Roll Call Vote:	Chairman DiCeglio	Yes
	Commissioner Abrams	Yes
	Commissioner Thompson	Yes

- (E) Hearing Officer Manual Memo O3 - Staff Hearing Officers Review of Settlements. The new draft policy regarding staff hearing officer review of settlements was discussed by the Commissioners and staff. The following changes were approved to the draft.

- (a) the second paragraph shall read “A review of the following documentation shall be deemed sufficient to discharge this responsibility:”
- (b) the fifth paragraph shall begin with “The staff hearing officer review shall include ... basis for the settlement amount.”
- (c) the last sentence of the last paragraph shall include the following words after “disapproving the settlement within the thirty day cooling off period.”

Commissioner Thompson made the motion to adopt Hearing Officer Manual Memo O3, with Chairman DiCeglio seconding the motion. Mr. Gannon called roll:

Roll Call Vote:	Chairman DiCeglio	Yes
	Commissioner Abrams	Yes
	Commissioner Thompson	Yes

- (F) Hearing Officer Manual Memo P2 - Civil Penalty. A discussion regarding the draft policy of Memo P2 resulted in the following revisions.
 - (a) to remove the comma in the first paragraph after the words “as well as”
 - (b) the second sentence shall read “In adjudicating these issues, notice must be provided to all parties to the claim.”

Chairman DiCeglio moved to adopt Hearing Officer Manual Memo P2 as revised. Commissioner Thompson seconded the motion. Mr. Gannon called roll:

Roll Call Vote:	Chairman DiCeglio	Yes
	Commissioner Abrams	Yes
	Commissioner Thompson	Yes

- (G) Hearing Officer Manual Memo P4 - Corrective Orders. Policy P4 deals with VSSRs and staff hearing officers addressing the issue of correction of the violation in their orders. The Commissioners and staff discussed the draft and made the following revisions.
 - (a) the last sentence in the first paragraph is moved to the second sentence in the first paragraph.
 - (b) in the second paragraph, the first sentence is removed.
 - (c) change the word where to when in the first sentence of the second paragraph.

Commissioner Abrams made the motion to make the revisions as noted above, and to adopt Hearing Officer Manual Memo P4. Commissioner Thompson seconded. Mr. Gannon called roll:

Roll Call Vote:	Chairman DiCeglio	Yes
	Commissioner Abrams	Yes
	Commissioner Thompson	Yes

(H) After a brief discussion of the following proposed amended rules:

- (1) Ohio Adm.Code 4121-3-09 - Conduct of Hearings before the commission and its staff and district hearing officers.
- (2) Ohio Adm.Code 4121-3-10 - Lump sum payment for attorney's fees for securing an award.
- (3) Ohio Adm.Code 4121-3-13 - Disputed self-insuring employer's claim.
- (4) Ohio Adm.Code 4121-3-26 - Effect of Rules.
- (5) Ohio Adm.Code 4121-3-34 - Permanent total disability.
- (6) Ohio Adm. Code 4121-15-10 - Standards of conduct for adjudicators.

It is moved that the Commission approve the final filing of amended rules 4121-3-09, 4121-3-10, 4121-3-13, 4121-3-26, 4121-3-34, and 4121-15-10, (that are attached as Exhibit A), of the Administrative Code pursuant to Chapter 119 of the Revised Code.

It is further moved that the effective date of the aforementioned rules be June 1, 2008.

It is further moved that the next 119.032 rule review date of the aforementioned rules be February 1, 2012.

Commissioner Thompson made the motion, and seconded by Commissioner Abrams. Mr. Gannon called roll:

Roll Call Vote:	Chairman DiCeglio	Yes
	Commissioner Abrams	Yes
	Commissioner Thompson	Yes

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Commissioner Thompson moved to adjourn the Commission meeting and Chairman DiCeglio seconded. Mr. Gannon called the roll:

Roll Call:	Chairman DiCeglio	Yes
	Commissioner Abrams	Yes
	Commissioner Thompson	Yes

Respectfully submitted,

Patrick J. Gannon
Executive Director