

Meeting Minutes

June 5, 2013
10:00 A.M.

TYPE OF MEETING Commission Meeting

ATTENDEES Chairperson Jodie M. Taylor
Commissioner Gary M. DiCeglio
Commissioner Karen L. Gillmor
Tom Connor, Executive Director
Dr. Terrence B. Welsh, Chief Medical Advisor
Rachael Black, Deputy Legal Counsel
Debbie Fodey, Administrative Assistant
Kimberly Ferkany, Administrative Assistant
Keith Carpenter, Administrative Assistant

CALL TO ORDER

The meeting was called to order by Chairperson Taylor.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Chairperson Taylor	Present
Commissioner Gillmor	Present
Commissioner DiCeglio	Present

OLD BUSINESS

April 2, 2013, Meeting Minutes. Commissioner Gillmor noted that there is an error on page four of said minutes. The minutes indicate a public “meeting” will be set for May 10, 2013, when in fact it was a public hearing that was to be set. The change will be made accordingly.

MOTION

Chairperson Taylor moved to approve the minutes of the April 2, 2013 meeting, as amended. Commissioner DiCeglio seconded the motion.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Chairperson Taylor	Yes
Commissioner DiCeglio	Yes
Commissioner Gillmor	Yes

NEW BUSINESS

- A. Five year rule review for the year 2013. The following rules will be voted on: 4121-15-10; 4121-3-32; 4121-3-34; 4121-3-09.
- B. 4125-1-01: Wage Loss Rule.

DISCUSSION

Rules 4121-15-10; 4121-3-32; 4121-3-34 were sent to JCARR. No changes were made to these rules and they are now ready to be voted on. There will not be a public hearing in connection with said rules. Chairperson Taylor asked if anyone had any questions, concerns, or issues regarding these rules. Commissioner Gillmor noted that rule 4121-3-34 contains an error, to wit: the word “acknowledgment” is spelled two different ways (i.e. “acknowledgement,” “acknowledgment”). It was noted that the spelled version “acknowledgment” has been used in the past. Commission Members agreed to use said spelling of the word (without the “e” following the “g”) and rule 4121-3-34 will be revised accordingly.

Regarding rule 4121-3-09, Commissioner Gillmor noted a punctuation error, to wit: a comma is needed instead of a period. Commission Members agreed, and the change will be made.

Chairperson Taylor asked if there were any other concerns. Mr. Connor noted that JCARR would probably not be concerned with typos. Ms. Black noted that the Ohio Legislative Service Commission will fix typographical errors once brought to its attention within fifteen days of filing the rule.

MOTION

Chairperson Taylor moved to approve the final filing for the amended rules 4121-3-32; 4121-3-34; 4121-15-10. Commissioner DiCeglio seconded the motion.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Chairperson Taylor	Yes
Commissioner Gillmor	Yes
Commissioner DiCeglio	Yes

MOTION

Chairperson Taylor moved to approve the final effective date of the aforementioned amended rules for June 20, 2013. Commissioner DiCeglio seconded the motion.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Chairperson Taylor	Yes
Commissioner Gillmor	Yes
Commissioner DiCeglio	Yes

MOTION

Chairperson Taylor moved to approve the next five year rule date as follows: 4121-3-32—February 1, 2017; 4121-3-34—February 1, 2017; 4121-15-10—February 1, 2017. Commissioner DiCeglio seconded the motion.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Chairperson Taylor	Yes
Commissioner Gillmor	Yes
Commissioner DiCeglio	Yes

DISCUSSION

Ms. Black discussed rule 4125-1-01. BWC made some minor changes. BWC now sends it back to the Industrial Commission to discuss. The Commission Members agreed to remove the word “applicable” in section D(1) of the rule. Mr. Connor checked with the BWC about removing the word “applicable.” Tom Sico will notify the BWC rule advisory board, and feels comfortable that there will not be any concerns or issues. Chairperson Taylor asked if anyone had any questions, concerns, or issues regarding these rules. No one raised a question, concern, or issue.

MOTION

Chairperson Taylor moved to approve the rescission of rule 4125-1-01. Commissioner DiCeglio seconded the motion.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Chairperson Taylor	Yes
Commissioner Gillmor	Yes
Commissioner DiCeglio	Yes

MOTION

Chairperson Taylor then moved to approve and original file new rule 4125-1-01. Commissioner DiCeglio seconded the motion.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Chairperson Taylor	Yes
Commissioner Gillmor	Yes
Commissioner DiCeglio	Yes

DISCUSSION

In reviewing rule 4121-3-09, Ms. Black noted the requirement that claims in which the BWC medical examination referred for a PTD tentative order processing was removed from the rule at the request of the agency. Commissioner DiCeglio noted that language from the rule should be reversed. Chairperson Taylor agreed indicating that it makes the rule clearer. Commissioner Gillmor suggested changing language for the part of the rule that deals with medical providers from “that” to “who.” Commissioner Gillmor also recommended taking out the effective date of July 2, 2012. The Commission Members agreed with the above-stated changes. Chairperson Taylor asked if anyone had any additional questions, concerns, or issues regarding these rules. Ms. Black noted that Commission Members will have to meet again to vote to final file the rule once JCARR loses jurisdiction for said rule. No one raised any additional questions, concerns, or issues.

MOTION

Chairperson Taylor moved that, after the review required pursuant to Section 119.032 of the Revised Code, the following rule of the Ohio Administrative Code be refiled as set forth in “Exhibit B,” in accordance with Chapter 119 of the Revised Code: 4121-3-09. Commissioner DiCeglio seconded the motion.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Chairperson Taylor	Yes
Commissioner Gillmor	Yes
Commissioner DiCeglio	Yes

DISCUSSION

Terrence B. Welsh, M.D., Chief Medical Advisor, discussed revisions made to the Commission Medical Exam Manual (“manual”). Dr. Welsh distributed a worksheet covering all the revisions that have been made to the manual. Commissioner Gillmor suggested including an effective date on the cover of the manual. Dr. Welsh advised that he will include the effective date on the cover.

MOTION

Chairperson Taylor moved to adopt the revised Medical Exam Manual. Commissioner DiCeglio seconded the motion.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Chairperson Taylor	Yes
Commissioner Gillmor	Yes
Commissioner DiCeglio	Yes

MOTION

Chairperson Taylor moved that the effective date of the aforementioned revised medical manual be July 1, 2013. Commissioner DiCeglio seconded the motion.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Chairperson Taylor	Yes
Commissioner Gillmor	Yes
Commissioner DiCeglio	Yes

John R. Kasich, Governor
Jodie M. Taylor, *Chairperson*
Gary M. DiCeglio, *Member*
Karen L. Gillmor, Ph.D., *Member*

ADJOURNMENT

Chairperson Taylor moved to adjourn. Commissioner DiCeglio seconded the motion.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Chairperson Taylor	Yes
Commissioner Gillmor	Yes
Commissioner DiCeglio	Yes

Respectfully submitted,



Tom Connor
Executive Director