

John R. Kasich, *Governor*  
Thomas H. Bainbridge, *Chairman*  
Jodie M. Taylor, *Member*  
Karen L. Gillmor, Ph.D., *Member*  
Tim Adams, *Executive Director*

**Meeting Minutes**

**Sept. 19, 2018**  
**1:00 P.M.**

**TYPE OF MEETING**            Commission Meeting

**ATTENDEES**                    Chairman Thomas H. Bainbridge  
Commissioner Jodie M. Taylor  
Commissioner Karen L. Gillmor  
Tim Adams, Executive Director  
Tom Connor, Director of Hearing Services  
Rachael T. Rentas-Black, Chief Legal Counsel  
Steven Kramer, Administrative Assistant  
Kim Ferkany, Administrative Assistant  
Debbie Fodey, Administrative Assistant  
Julia Smythe, Administrative Assistant  
Greg Hickman, Assistant Legal Counsel  
Laura Schank, Hearing Officer Trainer

**CALL TO ORDER**  
Chairman Bainbridge called the meeting to order.

**ACTION BY**  
Mr. Adams called the roll.

**ROLL CALL**  
Commissioner Gillmor                    Present  
Commissioner Taylor                    Present  
Chairman Bainbridge                    Present

**OLD BUSINESS**  
Chairman Bainbridge indicated there was no old business.

**NEW BUSINESS**  
Resolution Project – Greg Hickman indicated this meeting would discuss sources of payment.

**Joint Resolution R07-1-01 – Authorization to Receive Checks**

**MOTION**  
Chairman Bainbridge moved that the Industrial Commission modify Joint Resolution No. R07-1-01, as discussed at today’s meeting. This modification reflects updates to documentation

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standards and other policies adopted by the Industrial Commission and Bureau of Workers' Compensation. The effective date is to be September 26, 2018.

Commissioner Taylor seconded the motion.

**DISCUSSION**

Greg Hickman indicated that Richard Blake of the Bureau of Workers' Compensation noticed a clerical error in the resolution. Mr. Blake indicated a correction needed to be made to the word "pickup" to be referred as "pick up."

**ACTION BY**

Mr. Adams called the roll.

**ROLL CALL**

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

**R18-1-08 (formerly R07-1-02) – Guidelines for Lump Sum Advancements for Attorney Fees & Reimbursement of Expenses**

**MOTION**

Chairman Bainbridge moved that the Industrial Commission adopt Resolution R18-1-08. Chairman Bainbridge further moved that the Industrial Commission rescind the following resolutions:

- R07-1-02
- R99-1-01
- R95-1-13
- R90-1-10

The effective date is to be September 26, 2018.

Commissioner Taylor seconded the motion.

**DISCUSSION**

Chairman Bainbridge indicated this resolution was last discussed in 2007. No discussions were held on this issue between 2007 – 2018. Permanent total disability rates have steadily increased. Chairman Bainbridge proposed the advancement of an increase of \$5,000 to a total of \$15,000. On an annual basis, it would come to \$550 per year to reach the proposed rate. Once an attorney assists a client in obtaining permanent and total disability benefits, duties to the client do not stop. Hearings are numerous for people who have been awarded permanent total disability. There

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are continued medical treatment issues and continued representation. This money is the injured worker’s rightful money. Continued representation is significant. Chairman Bainbridge believed this resolution was a fair resolution.

Commissioner Taylor questioned the amount of expenses. She indicated expenses currently allow up to \$1,000.

Chairman Bainbridge responded that he would increase the total amount of expenses to \$1,500.

Commissioner Taylor indicated that she has heard that specialists at the Cleveland Clinic are charging \$1,000 for reports. In her prior experience as an attorney in workers’ compensation claims, she has spent over \$1,000 for exams/reports.

Commissioner Gillmor indicated that a \$5,000 increase might not be accurate. She was expecting to be provided data, as discussed at the prior meeting. The data are needed in order to support an increase factually. Commissioner Gillmor further indicated that since she was not provided the data, she had not been able to discuss the issue with constituent groups. She indicated that she would therefore have to abstain.

Chairman Bainbridge indicated that the Industrial Commission should proceed because the Commissioners have handled this issue solely in the past.

Tom Connor noted that he was concerned with the file date language in this resolution.

Commissioner Taylor indicated that she agrees with Tom Connor.

**ACTION BY**

Mr. Adams called the roll.

**ROLL CALL**

Commissioner Gillmor	Abstain
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

**R95-1-03 – Compliance with Prior Hearing Orders/Reconsiderations**

**MOTION**

Chairman Bainbridge moved that the Industrial Commission rescind resolution R95-1-03. The rescission effective date will be September 26, 2018.

Commissioner Taylor seconded the motion.

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## **DISCUSSION**

Greg Hickman indicated that this resolution restates the Ohio Administrative Code and Ohio Revised Code sections. This resolution is not necessary to restate these sections.

Rachael Black indicated this recommendation is to rescind. Alternatively, R18-1-06 includes the last paragraph stating the self-insuring employer's obligation to timely pay compensation is not altered by the filing of a request for reconsideration.

Commissioner Gillmor indicated that the self-insuring employer's obligation to pay compensation timely is set forth in a rule and the statute, so there is no need to have a resolution repeating the obligation. If the Commissioners believe a reminder to self-insuring employers of their obligation to pay compensation timely is needed, she suggested a paragraph be added to the proposed reconsideration resolution.

Commissioner Taylor suggested the use of the language "upon receipt immediately."

Commissioner Gillmor indicated that she spoke with the Bureau of Workers' Compensation and Buzz Minor. The self-insuring employers want to cite to the rule, instead of stating the language of "upon receipt." Commissioner Gillmor again suggested not having the resolution at all because the obligation to pay timely is cited in the Ohio Administrative Code and Ohio Revised Code.

Commissioner Taylor questioned whether the Ohio Revised Code provides for any consequences.

Tom Connor indicated that the Ohio Revised Code provides "upon receipt" for a 21-day leeway.

Commissioner Gillmor questioned whether to do nothing or add the highlighted language discussed today.

Commissioner Taylor indicated that the initial payment must be within 21 days. Subsequent payments are to be upon receipt of an order to pay. Why does the resolution not say that? Commissioner Taylor noted that the resolution should be consistent with the Ohio Administrative Code and Ohio Revised Code. Taking out the 21 days is not consistent.

Greg Hickman indicated that resolution is referring to the rule. The language of "pursuant to" the Ohio Administrative Code and Ohio Revised Code can be added.

## **ACTION BY**

Mr. Adams called the roll.

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**ROLL CALL**

Commissioner Gillmor                    Yes  
Commissioner Taylor                    Yes  
Chairman Bainbridge                    Yes

**MOTION**

Chairman Bainbridge moved that the Industrial Commission adopt Resolution R18-1-06 consistent with the discussion at today’s meeting in lieu of the resolution of the same number, yet to be effective, discussed on September 12, 2018. The effective date is to be September 26, 2018.

Commissioner Taylor seconded the motion.

**DISCUSSION**

Greg Hickman indicated that the alternative is the highlighted language.

**ACTION BY**

Mr. Adams called the roll.

**ROLL CALL**

Commissioner Gillmor                    Yes  
Commissioner Taylor                    Yes  
Chairman Bainbridge                    Yes

**Joint Resolution R80-7-48 – Computation of Full Weekly Wage**

**MOTION**

Chairman Bainbridge moved that the Industrial Commission modify Joint Resolution No. R80-7-48, as discussed at today’s meeting. This modification reflects updates to documentation standards and other policies adopted by the Industrial Commission and Bureau of Workers’ Compensation. The effective date is to be September 26, 2018.

Commissioner Taylor seconded the motion.

**DISCUSSION**

Greg Hickman indicated a small change of citation of the Ohio Revised Code to “R.C.” is suggested. This change is to reflect the correct citation per the Ohio Supreme Court rules.

**ACTION BY**

Mr. Adams called the roll.

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**ROLL CALL**

Commissioner Gillmor                    Yes  
Commissioner Taylor                    Yes  
Chairman Bainbridge                    Yes

**Joint Resolution R89-3-27 – Overpayment Recovery**

**MOTION**

Chairman Bainbridge moved that the Industrial Commission modify Joint Resolution No. R89-3-27, as discussed at today’s meeting. This modification reflects updates to documentation standards and other policies adopted by the Industrial Commission and Bureau of Workers’ Compensation. The effective date is to be September 26, 2018.

Commissioner Taylor seconded the motion.

**DISCUSSION**

Greg Hickman indicated that Richard Blake of the Bureau of Workers’ Compensation noted in paragraph 3 of the resolution that it was originally written as “self-insured” and should be changed to “self-insuring.” Greg Hickman also noted that there are citation and format changes.

**ACTION BY**

Mr. Adams called the roll.

**ROLL CALL**

Commissioner Gillmor                    Yes  
Commissioner Taylor                    Yes  
Chairman Bainbridge                    Yes

**ADJOURNMENT**

Chairman Bainbridge moved to adjourn.

Commissioner Taylor seconded the motion.

**ACTION BY**

Mr. Adams called the roll.

**ROLL CALL**

Commissioner Gillmor                    Yes  
Commissioner Taylor                    Yes  
Chairman Bainbridge                    Yes

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Respectfully submitted,



Tim Adams  
Executive Director