

NOTICE OF PUBLIC HEARING

The Ohio Industrial Commission will hold a Public Hearing on Friday, October 12, 2012 at 1:30 p.m., 3rd Floor, Training Room B, 30 West Spring Street, Columbus, Ohio to consider the following:

The Amendment of the following rules for the reasons that follow:

- **4121-3-09 Conduct of hearings before the commission and its staff and district hearing officers**

The amendment is proposed to require injured workers to provide a list of medical providers that have examined or treated the injured worker for any conditions that are causally or historically related to the conditions relevant to the claim. The amendment also sets forth the policies and procedures pertaining to a second medical examination deemed to be essential to the defense of a claim by an employer. The amendment further codifies policies of the Industrial Commission regarding who may attend medical examinations. Furthermore, the amendment is proposed to substitute the word "evidence" for the word "proof" in the rule. Lastly, the amendment proposes changes to the rule regarding the issuance of Commission decisions and docket publication.

- **4121-3-10 Lump sum payments for attorney's fees for securing an award**

The amendment is proposed to insert new paragraph (D) to set forth the existing policy of the Bureau and the Commission regarding the lump sum payment of attorney's fees in a State Insurance Fund claim. The amendment incorporates the existing policy of the Bureau and the Commission to refer the claim to the Administrator for the determination of the biweekly rate reduction and repayment schedule for the lump sum payment.

- **4121-3-13 Disputed self-insuring employer's claims**

The amendment is proposed to be consistent with Bureau of Workers' Compensation rule 4123-19-03(K), which provides self-insuring employers thirty days to respond to a request for compensation, instead of fourteen days. The amendment is also proposed to provide that information requested from a self-insuring employer, which has already been provided and included in the claim file, not be required to be provided again.

- **4121-3-15 Percentage of permanent partial disability**

The amendment is proposed to provide a medical examination report to the injured worker, or the injured worker's representative, if the injured worker is represented, if an employer schedules an examination regarding the determination of permanent partial disability compensation.

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

- **4121-3-26 Effect of rules**
The amendment is proposed to clarify the language of the rule.
- **4121-3-32 Temporary disability**
The amendment is proposed to clarify the definition of "job offer" found within rule 4121-3-32. The amendment is also proposed to refer claims to the Industrial Commission for a permanent total disability compensation determination in instances a medical examination conducted on behalf of the Bureau results in a determination that an injured worker is permanently impaired from performing sustained remunerative employment as a result of the allowed conditions in the claim.
- **4121-3-34 Permanent total disability**
The amendment is proposed to allow for the adjudication, on the merits, of permanent total disability compensation applications when the Commission determines that a permanent total disability compensation application is accompanied by the required medical evidence. The amendment is also proposed to reflect the proposed amendment of rule 4121-3-32(C).

All interested parties will be given an opportunity to be heard. Any interested party unable to attend the public hearing may submit written comments via email to rulecomments@ic.state.oh.us prior to the hearing. Pursuant to the Americans with Disabilities Act, the Industrial Commission will consider a reasonable accommodation to allow qualified, interested parties with a disability to testify where the accommodation is necessary and available and does not present an undue hardship to the Industrial Commission. An individual requiring special accommodations should contact the Office of Human Resources by calling (614) 466-2765.

The full and complete text of the proposed rules is available on the Register of Ohio's website at www.registerofohio.state.oh.us; and is on file in the office of the Secretary of State at 180 East Broad Street, Suite 103, Columbus, Ohio, the Legislative Service Commission at 77 South High Street, 9th Floor, Columbus, Ohio, the Joint Committee on Agency Rule Review at 77 South High Street, Concourse Level, Columbus, Ohio, and all Industrial Commission offices and service offices of the Bureau of Workers' Compensation. In addition, the text of the proposed rules may be viewed by accessing the Industrial Commission's website at www.ic.state.oh.us.