

NOTICE OF PUBLIC HEARING

The Ohio Industrial Commission will hold a Public Hearing on Friday, April 29, 2011 at 1:00 p.m., 3rd Floor, Training Room B, 30 West Spring Street, Columbus, Ohio to consider the following:

The Rescission and Adoption of the following rules for the reasons shown below:

- **4121-3-18 Administrative appeals.**

This rule is being proposed for rescission and replacement by new rule 4121-3-18 because the rule is outdated and is not consistent with current statutory provision. As currently written, the rule does not reflect the current procedures utilized by the Industrial Commission in processing administrative appeals before the commission and its hearing officers. The new rule sets forth the filing requirements for administrative appeals and the procedures for the processing of appeals before district hearing officers, staff hearing officers and the members of the commission.

The Rescission of the following rule:

- **4121-3-27 Application.**

This rule is being proposed for rescission because it no longer needed.

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

- **4121-3-01 Office locations and office hours.**

This rule is being amended to establish the scope of the commission's rules.

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

This rule is proposed for amendment to establish the procedure to be followed upon the administrator's determination that there is a conflict of evidence on the issue of permanent partial disability.

- **4121-3-16 Motions.**

This rule is being amended to provide for dismissal of a motion signed by any person or entity that is not a party to the claim.

- **4121-3-17 Briefs.**

This rule is being amended to establish a standard size for the paper on which briefs are to be typewritten.

- **4121-3-20 Additional awards by reason of violations of specific safety requirements.**

This rule is being amended to provide that the settlement of a claim from which an application for additional award by reason of a violation of a specific safety requirement (VSSR) has been or may be filed abates any action on that application. The rule also provides that, if an intentional tort or other court action is pending in court, the processing of an application for a VSSR may be suspended subsequent to the finding of a violation of a specific safety requirement at the request and agreement of all parties to the claim. The amendment additionally sets forth the procedure by which a state fund employer may settle its current and future liability for the violation of a specific safety requirement subsequent to the finding of such a violation.

- **4121-3-21 Change of address.**

This rule is being amended to reflect the current practices by which employees and employers can effect a change of address.

- **4121-3-22 Inspection of claim files.**

This rule is being amended to specify the identifying information that must be furnished in order for an authorization for representation of an injured worker which lacks a claim number to be accepted. The rule also identifies the persons and entities that are authorized to inspect claim files.

- **4121-3-24 Fee controversies.**

This rule is being amended to update the criteria upon which attorney fees shall be based consistent with the Ohio Rules of Professional Conduct.

John R. Kasich, Governor
Jodie M. Taylor, Chairperson
Kevin R. Abrams, *Member*
Gary M. DiCeglio, *Member*

- **4121-3-25 Application for change of occupation allowance.**

This rule is proposed for amendment to clarify the standard upon which an award for change of occupation in excess of the initial thirty weeks is to be based.

- **4121-3-30 Emergency hearings.**

This rule is being amended to establish the contact persons for emergency requests for continuances of hearings set before the members of the commission.

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. If you require special accommodations you should contact the Office of Human Resources at (614) 466-2765 to make such needs known to the Industrial Commission Human Resources Office.

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

John R. Kasich, Governor
Jodie M. Taylor, Chairperson
Kevin R. Abrams, *Member*
Gary M. DiCeglio, *Member*