

OMBUDS OFFICE

# 2019 Annual Report



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An Independent Service of  
Ohio's Workers' Comp System

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## Message from the Chief Ombudsperson



Dec 7, 2020

Industrial Commission  
Nominating Council

Dear Council Members:

I am pleased to present the Ombuds Office Annual Report for calendar year 2019 (CY2019). In accordance with Ohio Revised Code section 4121.45, this report provides a statistical summary of the activity of the Ombuds system from CY2019. Ombuds Office staff again continued to perform our mission of assisting injured workers (IW) and employers in matters dealing with the Bureau of Workers' Compensation (BWC) and the Ohio Industrial Commission (IC).

2019 was a busy and productive year; of the 5,476 customer contacts handled by our office, we categorized 395 as complaints, based on the customer expressing dissatisfaction with BWC or IC. These complaint contacts came from the following sources:

- Injured workers (or their representatives) 72 percent;
- Employers (or their representatives) 22 percent;
- Other 6 percent.

Of the remaining 5,081 customer contacts, we categorized 2,821 as Ombuds inquiries and 2,260 were categorized as other inquiries. These contacts came from the following sources:

Ombuds inquiries

- Injured workers (or their representatives) 68 percent;
- Employers (or their representatives) 23 percent;
- Other 9 percent.

Other inquiries

- Employers (or their representatives) 67 percent;
- Injured workers (or their representatives) 24 percent;
- Other 9 percent.

In 2014 we developed a new approach to collect data and describe the issues presented to the office. Information about our customer contacts is critical in order to identify patterns, trends, and opportunities for improvement of the workers' compensation system. This report reflects the new, more robust approach to data collection and provides new detail related to all customer contacts to the Ombuds Office.

Customer outreach and education continued to be a priority for 2019 and will remain a high priority in the future. I completed my statewide visits to all BWC and IC service offices in 2015. These meetings

provided an opportunity to clarify the Ombuds Office mission and purpose with agency staff and explain when referrals are appropriate. I also accepted various speaking engagements in 2019 including presenting at the AFL-CIO Workers' Compensation School, speaking at various Workers Compensation CLE seminars, and jointly speaking to provider and employer groups with BWC.

Finally, we have maintained membership with the International Ombudsman Association (IOA) whose mission is to support and advance the ombudsman profession and ensure that practitioners work to the highest professional standards. The IOA provides a set of professional and ethical principles to which members adhere in their ombudsman practice. These principles reflect a commitment to promote ethical conduct in the performance of the ombudsman role and to maintain the integrity of the ombudsman profession – independence, neutrality, impartiality, confidentiality and informality. We also belong to the United States Ombudsman Association whose purpose is to assist existing ombudsmen and ombudsman organizations in improving the operation of ombudsman offices throughout the United States.

Once again, all Ombuds staff faithfully continued to perform their work and resolve issues for our customers. They deserve commendation for their continued dedication and hard work.

I appreciate the confidence placed in me by this nominating council and look forward to a productive 2020.

Sincerely,



Beryl Piccolantonio  
Chief Ombudsperson

## About the Ombuds Office

The Ohio General Assembly established a workers' compensation ombudsperson system, which has been in place since the 1970s (ORC 4121.45). The Ombuds Office is a neutral and independent resource available to employers, injured workers, and their representatives, to assist with problems navigating and questions arising out of the Ohio workers' compensation system. We answer inquiries and investigate complaints about the workers' compensation system, facilitating resolution of issues when possible. We capture, categorize and analyze inquiry and complaint data to identify areas of potential concern in the workers' compensation system. This information is published annually.

### § 4121.45 Ombudsperson system.

- A. There is hereby created a workers' compensation ombudsperson system to assist claimants and employers in matters dealing with the bureau of workers' compensation and the industrial commission. The industrial commission nominating council shall appoint a chief ombudsperson. The chief ombudsperson, with the advice and consent of the nominating council, may appoint such assistant ombudspersons as the nominating council deems necessary. The position of chief ombudsperson is for a term of six years. A person appointed to the position of chief ombudsperson shall serve at the pleasure of the nominating council. The chief ombudsperson may not be transferred, demoted, or suspended during the person's tenure and may be removed by the nominating council only upon a vote of not fewer than nine members of the nominating council. The chief ombudsperson shall devote the chief ombudsperson's full time and attention to the duties of the ombudsperson's office. The administrator of workers' compensation shall furnish the chief ombudsperson with the office space, supplies, and clerical assistance that will enable the chief ombudsperson and the ombudsperson system staff to perform their duties effectively. The ombudsperson program shall be funded out of the budget of the bureau and the chief ombudsperson and the ombudsperson system staff shall be carried on the bureau payroll. The chief ombudsperson and the ombudsperson system shall be under the direction of the nominating council. The administrator and all employees of the bureau and the commission shall give the ombudsperson system staff full and prompt cooperation in all matters relating to the duties of the chief ombudsperson.
- B. The ombudsperson system staff shall:
1. Answer inquiries or investigate complaints made by employers or claimants under this chapter and Chapter 4123. of the Revised Code as they relate to the processing of a claim for workers' compensation benefits;
  2. Provide claimants and employers with information regarding problems which arise out of the functions of the bureau, commission hearing officers, and the commission and the procedures employed in the processing of claims;
  3. Answer inquiries or investigate complaints of an employer as they relate to reserves established and premiums charged in connection with the employer's account;
  4. Comply with Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and the nominating council's human resource and ethics policies.
  5. Not express any opinions as to the merit of a claim or the correctness of a decision by the various officers or agencies as the decision relates to a claim for benefits or compensation.

For the purpose of carrying out the chief ombudsperson's duties, the chief ombudsperson or the ombudsperson system staff, notwithstanding sections 4123.27 and 4123.88 of the Revised Code, has the

right at all reasonable times to examine the contents of a claim file and discuss with parties in interest the contents of the file as long as the ombudsperson does not divulge information that would tend to prejudice the case of either party to a claim or that would tend to compromise a privileged attorney-client or doctor-patient relationship.

C. The chief ombudsperson shall:

1. Assist any service office in its duties whenever it requires assistance or information that can best be obtained from central office personnel or records;
2. Annually assemble reports from each assistant ombudsperson as to their activities for the preceding year together with their recommendations as to changes or improvements in the operations of the workers' compensation system. The chief ombudsperson shall prepare a written report summarizing the activities of the ombudsperson system together with a digest of recommendations. The chief ombudsperson shall transmit the report to the nominating council.
3. Comply with Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and the nominating council's human resource and ethics policies.

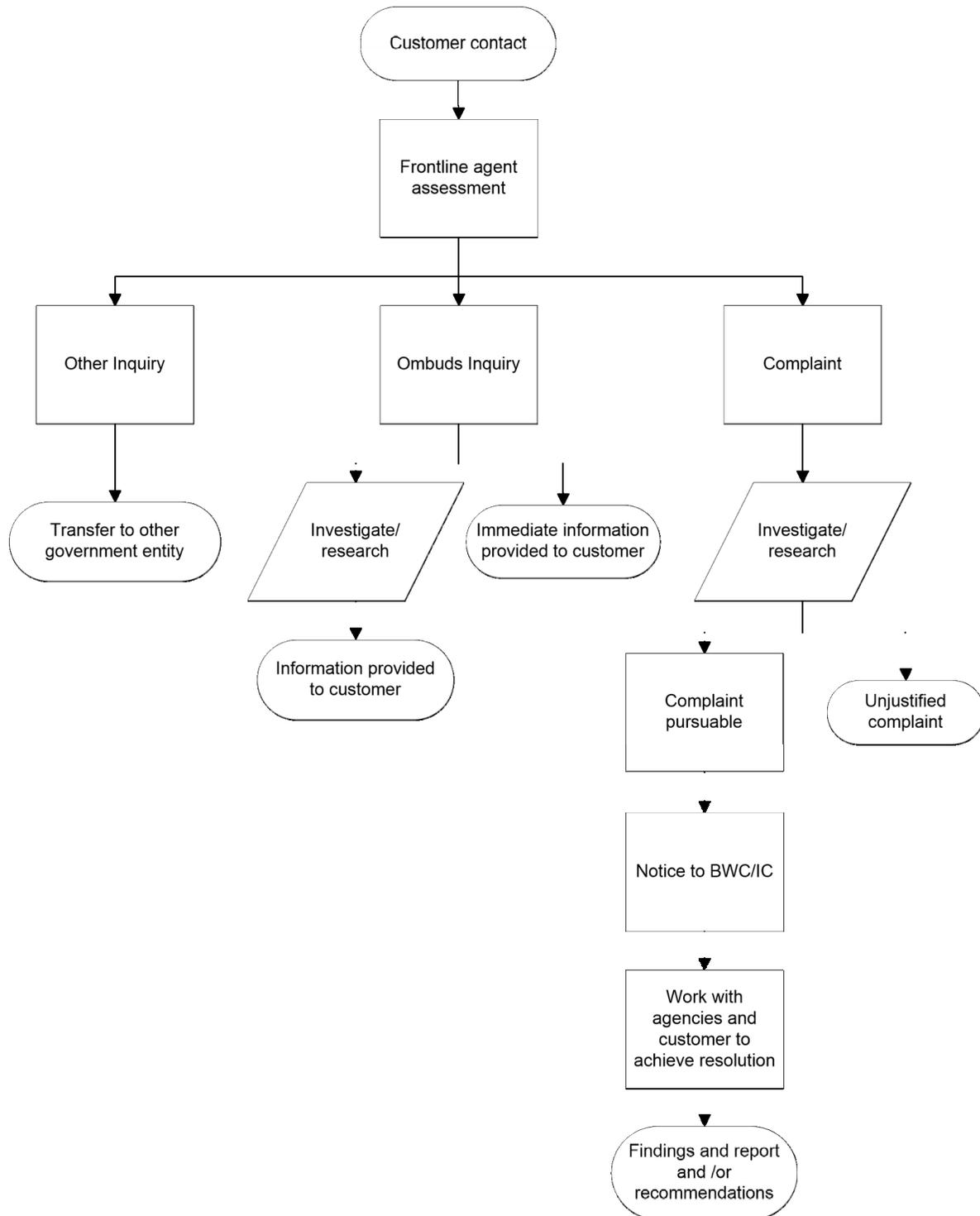
D. No ombudsperson or assistant ombudsperson shall:

1. Represent a claimant or employer in claims pending before or to be filed with the administrator, a district of staff hearing officer, the commission, or the courts of the state, nor shall an ombudsperson or assistant ombudsperson undertake any such representation for a period of one year after the ombudsperson's or assistant ombudsperson's employment terminates or be eligible for employment by the bureau or the commission or as a district or staff hearing officer for one year;
2. Express any opinions as to the merit of a claim or the correctness of a decision by the various officers or agencies as the decision relates to a claim for benefits or compensation.

E. The chief ombudsperson and assistant ombudspersons shall receive compensation at a level established by the nominating council commensurate with the individual's background, education, and experience in workers' compensation or related fields. The chief ombudsperson and assistant ombudspersons are full-time permanent employees in the unclassified service of the state and are entitled to all benefits that accrue to such employees, including, without limitation, sick, vacation, and personal leaves. Assistant ombudspersons serve at the pleasure of the chief ombudsperson.

F. In the event of a vacancy in the position of chief ombudsperson, the nominating council may appoint a person to serve as acting chief ombudsperson until a chief ombudsperson is appointed. The acting chief ombudsperson shall be under the direction and control of the nominating council and may be removed by the nominating council with or without just cause.

# Ombuds Office Workflow



## Ombuds Office Case Stories

The sampling of case stories below represent the variety of complaints and issues our customers brought to us in 2019

### **I need a doctor.**

An IW's attorney contacted us and asked if we could help his client find a doctor. The IW moved out of state and, despite working with the Managed Care Organization (MCO), has had difficulty finding a provider to treat him since he moved. Ombuds staff reached out to staff from the MCO and learned that the MCO did find a provider, but they were waiting to hear back about whether the provider would agree to the BWC fee schedule. While reviewing the claim, Ombuds staff saw a note from the MCO about the IW being non-compliant so during the initial conversation with MCO staff, Ombuds staff asked for an explanation. MCO staff explained that note was made because two years without treatment to the IW had passed. Ombuds staff pointed out that there were barriers to the IW receiving treatment including: an inability to find an out of state surgeon, an inability for the IW to speak English, and a lack of an attorney representative until recently. After conversation and review, MCO staff agreed to remove the note about the IW being non-compliant.

The MCO and BWC reviewed the claim and determined that they would work with the identified provider to determine if the provider was willing to waive their \$800 up-front fee since the BWC agreed to pay double the amount indicated on the fee schedule. If the provider would not agree, they would go to the BWC's medical policy department and request approval to pay an up-front \$800 fee. Finally, if the BWC denied that request, the MCO/BWC would process a request for travel to Ohio to treat with a doctor here. Ombuds staff was told the provider agreed to waive the \$800 fee in exchange for the doubled fee schedule, but then several months went by without any update. Ombuds staff reached out again and learned that the provider requested the information in writing before they would schedule the IW. After numerous calls from the Ombuds Office staff, the confirmation of the fee schedule adjustment was finally scanned into the claim, but again, no further action was taken including directly notifying the provider. Ombuds staff reached out to the provider directly to get the IW scheduled for an appointment.

### **What is this?**

A business owner stopped by the Columbus Ombuds Office and asked to meet with staff to talk through questions he had about a lien on a property he owns. The owner explained he is trying to sell his property and is supposed to close this week, but he does not understand why there is a lien. He explained that, after contacting the Attorney General's office, he does not know how to proceed. Ombuds staff said they would research the issue and be back in touch. After looking into the employer's policy, Ombuds staff found that there was a non-compliant claim with a debt owed of \$10,000+. However, it was also discovered that \$300,000+ had been paid out in the claim and the non-compliant charges did not begin to accrue until nearly ten years after the injury. Ombuds staff reached out to BWC policy processing staff and asked them if they could review and provide insight. Upon review, BWC policy processing staff found that the status of the employer's policy coverage was mistakenly changed to non-compliant, so charges began accruing. The status was changed back, and charges were reversed. BWC staff worked with the Attorney General's office staff to remove the lien and the employer was able to sell his property.

### **These aren't my records.**

An IW's wife contacted us after speaking with staff at the MCO who told her they could not help her. The wife said there are provider notes in her husband's claim file that are not for him and instead for another IW. The wife said MCO staff told her they would not remove the notes since they do not contain any confidential personal information. The wife said she then contacted her husband's claims service specialist (CSS) and was told the same. Ombuds staff reached out to a BWC supervisor and explained the situation. The supervisor said the request had been sent to PowerSuite customer service and BWC staff was told the notes do not meet the criteria for removal. Ombuds staff then reached out to the Service Office Manager who contacted someone from the BWC IT department for assistance removing the notes. BWC eventually removed the incorrect provider notes.

### **Help, I don't understand.**

An unrepresented IW's husband contacted us because he and his wife had questions about her claim. After obtaining the IW's permission to communicate with her husband, Ombuds staff discussed the concerns with him. BWC referred an issue of temporary total disability compensation (TT) to the IC in April and a hearing date was set for early May. The district hearing officer (DHO) who heard that issue denied the IW's request for TT and the IW appealed but a staff hearing officer (SHO) hearing was not yet scheduled. Simultaneously, BWC issued an order granting the same period of TT and the employer filed an appeal. That appeal was set before a DHO and a hearing is coming up. Ombuds staff reached out to the IC regional manager and discussed the complicated procedural history. The regional manager explained that the DHO hearing would go forward the next day and that the DHO would likely find that they did not have jurisdiction given that the issue was already pending at the SHO level. At the hearing the following day, the DHO vacated the BWC order that granted TT finding that BWC did not have jurisdiction to rule on an issue they had already referred to the IC. The IC scheduled the IW's appeal before an SHO. Ultimately, an SHO heard the issue and granted the requested period of TT.

### **I don't understand.**

An Employer contacted the Ombuds Office with questions about mail he continues to receive from BWC. He stated that he has received multiple letters from BWC asking him to complete a true-up for a business that was closed 25 years ago. He explained that he contacted BWC and that he was given our contact information. Ombuds staff researched and found that a claim was filed in 2017 alleging asbestos exposure so a temporary policy was created. Ultimately, the claim was denied. Ombuds staff worked with BWC employer services staff to explain the situation with the denied claim and the temporary policy. Ultimately, BWC staff was able to put a block in the system so that the employer would no longer receive the requests to true-up.

### **Can you help?**

Staff from the IC reached out to see if the Ombuds Office would be willing to assist with resolving an issue where a VSSR settlement was agreed to, but the employer is reluctant to issue a check because they believe a W-9 is required to document a miscellaneous payment. The IW's attorney filed a motion requesting that the IC enforce the lump sum settlement (LSS), but that motion was dismissed because the hearing officer (HO) found the IC lacks jurisdiction to enforce the LSS. Ombuds staff contacted the IW's

attorney who explained he does not want a W-9 filed because the settlement payment is not taxable, and he does not want his client to have to file with the IRS. He explained that the IW is a county employee and that the auditor for the county is requiring his client to fill out the W-9. Ombuds staff also spoke with an employer representative who stated that she called the IRS and was told they think the settlement funds are taxable because it's a safety violation. The employer representative said they would not release the funds unless they are assured a W-9 is not required.

Ombuds staff then reached out to staff from the BWC legal department. An attorney from the BWC legal department provided the information they typically provide when asked questions about workers' compensation and taxes: "As a general rule, workers' compensation benefits are not taxable. However, you should consult with a tax expert if you are receiving another disability benefit, such as Social Security Disability, or if you need a professional opinion on which you can rely." The attorney also explained that ultimately, the burden of establishing whether the workers' compensation benefits are tax exempt lies with the taxpayer, not BWC. Finally, the BWC attorney suggested that even though the IW's motion to compel settlement payment was dismissed, the IW could file a motion to request that the IC exercise continuing jurisdiction and vacate the settlement order.

Ombuds staff contacted both the IW's attorney and the employer's representative again to discuss the information. Ultimately, the IW's attorney decided to file a motion requesting that the IC exercise continuing jurisdiction and vacate the settlement order.

### **They should cover this.**

An IW's attorney contacted us to ask if we could help with an issue with the MCO who was telling them they would not pay medical bills for previously approved medical treatment. Ombuds staff reached out to the MCO and was told they cannot pay the bills even though treatment was already approved because the claim was in hearing status. Ombuds staff researched and learned that the claim became inactive at the beginning of April 2019, but a request for surgery was approved at the end of April 2019 without going through a reactivation process. Ombuds staff then reached out to the BWC MCO business unit and the BWC medical billing and adjustment unit for additional explanation. BWC staff determined that since the treatment request was already approved, they would change the claim status to allow the bills to be paid. BWC staff notified the MCO of this status change so they could process the bills.

### **This can't be right.**

An IW's attorney contacted the Ombuds Office and asked if we could help him with an issue where he was having difficulty getting his client scheduled for an independent medical exam because BWC could not find an appropriate specialist any closer than 3.5 hours from the IW's home. The IW was willing to travel some distance to get to the exam, but not 3.5 hours. Ombuds staff investigated and was told BWC only has 6 Ophthalmologists on its' Disability Evaluators Panel (DEP) panel and that the one 3.5 hours away was the closest. Ombuds staff inquired if there was anything that could be done to either find another Ophthalmologist for the DEP or consider a file review instead of an exam, but in the meantime, the IW's application was dismissed. Ombuds staff continued to work with BWC staff and the IW's attorney and he refiled the C92 application. This time, BWC agreed to conduct a file review instead of sending the IW to an exam.

## 2019 Statistical Information Summary

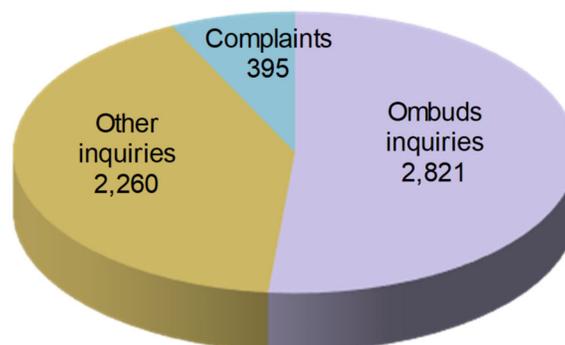
We processed 5,476 customer contacts in 2019. Our staff investigates and researches customer contacts to determine whether a case should be opened. The office classifies contacts as either a complaint (395), an Ombuds inquiry (2,821) or as an other inquiry (2,260). We classify a case as a complaint when a customer expresses dissatisfaction with the Ohio workers' compensation system. The most frequent complaints brought to our office for resolution include:

- BWC processing delays;
- Employer concerns related to their policy accounts receivable balance;
- Non-payment of treatment bills;
- Payment of indemnity benefits to injured workers.

In 2014, we began capturing information related to general inquiry contacts and added several new categories of issues to have a more complete picture of the type of issues that are presented. This additional information allows us to identify trends in order to make recommendations.

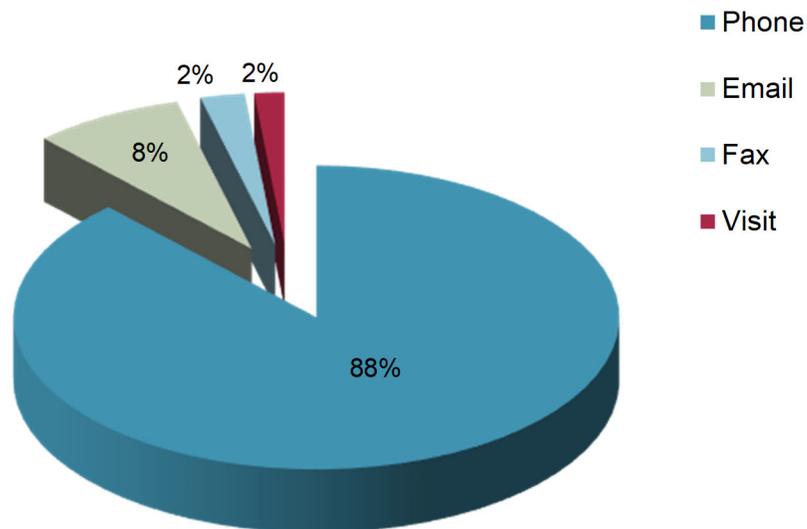
We deem a case to be an Ombuds inquiry when one of our staff directly provides the information requested by the customer and a complaint was not involved. The issues we receive the most inquiries about include employer policy coverage, accounts receivable balance and questions about canceling policy coverage. Additional frequent Ombuds inquiry issues include questions about the claim process and party rights, questions about forms required for various requests, questions about the IC hearing process, and questions about requirements for various types of compensation.

Finally, we receive a number of contacts that we do not open as Ombuds cases because the information requested is more properly obtained elsewhere. We determine quickly if another state agency can more appropriately assist a customer and we provide the proper contact information.



## Method of Customer Contact

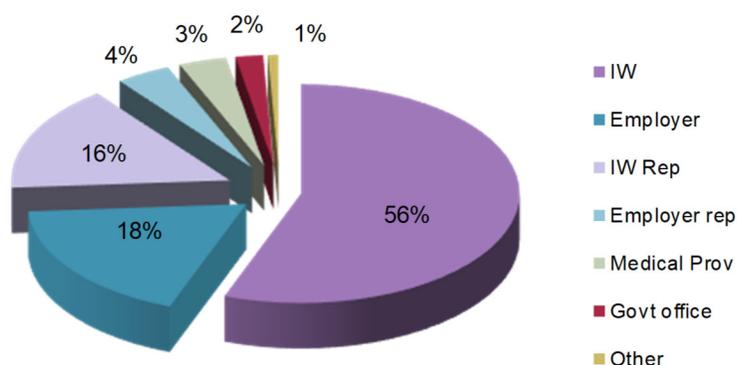
We processed 5,476 customer contacts during 2019, which we received by the methods below.



Contact Method	
Phone	4816
Email	442
Fax	130
Visit	88
<b>Total</b>	<b>5,476</b>

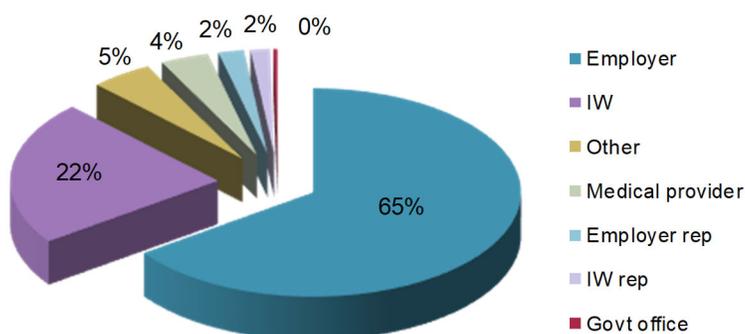
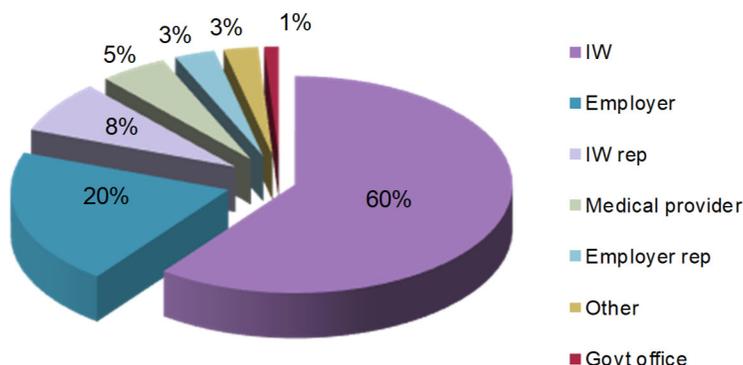
## Cases by Customer Type

The charts below identify the customer type for each of the types of cases received: complaints, Ombuds inquiries and other inquiries.



Customer Type	Count
Injured worker	220
Employer	62
Injured worker representative	72
Employer representative	16
Medical provider	14
Government office	8
Other	3
<b>Total</b>	<b>395</b>

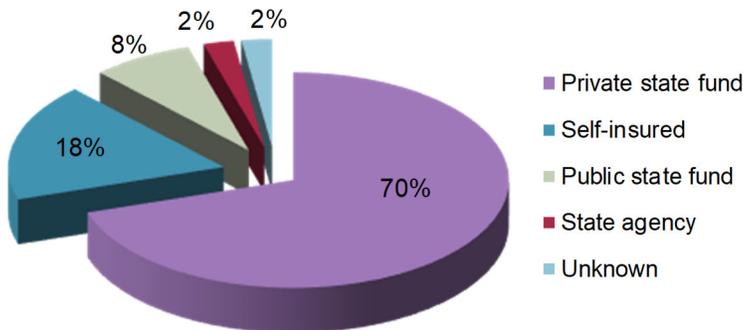
Customer Type	Count
Injured worker	1,701
Employer	572
Injured worker representative	219
Medical provider	142
Employer representative	85
Other	72
Government office	30
<b>Total</b>	<b>2,821</b>



Customer Type	Count
Employer	1,472
Injured worker	508
Other	109
Medical provider	85
Employer representative	45
Injured worker representative	34
Government office	7
<b>Total</b>	<b>2,260</b>

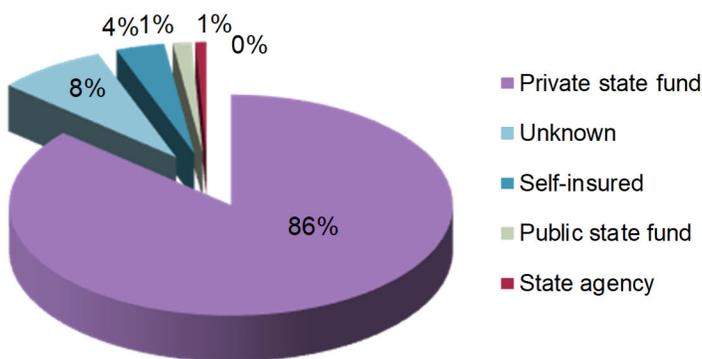
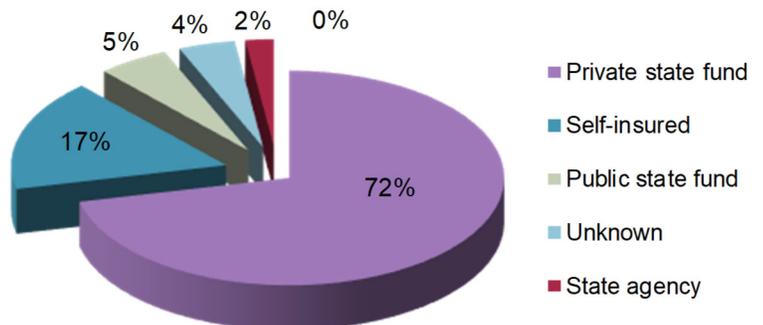
## Cases by Type of Employer

The charts below identify the employer type for each of the types of cases received: complaints, Ombuds inquiries and other inquiries.



Complaints by Employer Type	
Private state fund	277
Self-insured	70
Public state fund	30
State agency	9
Unknown	9
<b>Total</b>	<b>395</b>

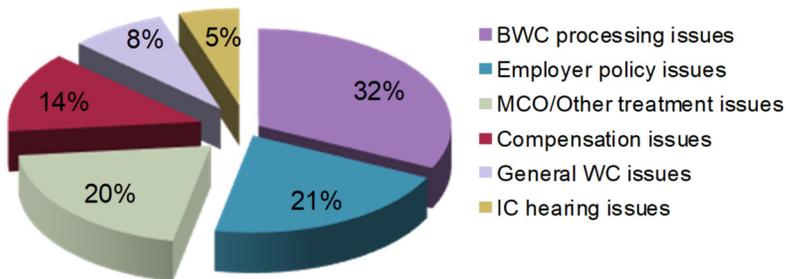
Ombuds Inquiries by Employer Type	
Private state fund	2,015
Self-insured	475
Public state fund	151
Unknown	120
State agency	60
<b>Total</b>	<b>2,821</b>



Other Inquiries by Employer Type	
Private state fund	1,951
Unknown	180
Self-insured	80
Public state fund	31
State agency	18
<b>Total</b>	<b>2,260</b>

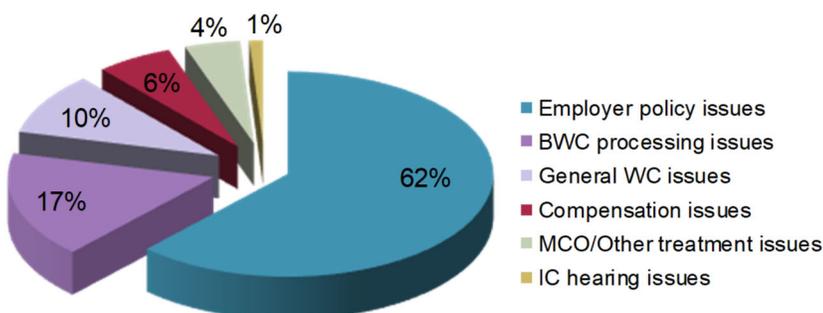
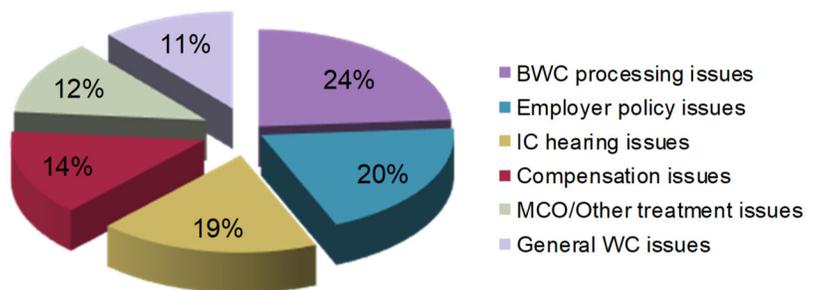
## Cases by Issue Type

The charts below identify the issue type for each of the types of cases received: complaints, Ombuds inquiries and other inquiries.



Issue Report - Complaints	
BWC processing issues	127
Employer policy issues	83
MCO/Other treatment issues	80
Compensation issues	53
General WC issues	32
IC hearing issues	20
<b>Total</b>	<b>395</b>

Issue Report - Ombuds Inquiries	
BWC processing issues	674
Employer policy issues	557
IC hearing issues	521
Compensation issues	403
MCO/Other treatment issues	351
General WC issues	315
<b>Total</b>	<b>2,821</b>



Issue Report - Other Inquiries	
Employer policy issues	1,401
BWC processing issues	379
General WC issues	221
Compensation issues	136
MCO/Other treatment issues	99
IC hearing issues	24
<b>Total</b>	<b>2,260</b>

## Issue Report - Complaints

The codes below describe what issue our staff determined best described the complaint.

<b>BWC Processing Issues</b>	
Processing delay	56
Claim process	26
CSS/MCS	21
BWC form	8
Independent medical exam	8
BWC E account	3
PowerSuite	2
Website	2
Status of form/Application	1
<b>Total</b>	<b>127</b>

<b>IC Hearing Issues</b>	
Hearing decision	9
Hearing process/Hearing letter	4
Hearing officer	4
Hearing delay	2
IC form	1
<b>Total</b>	<b>20</b>

<b>Employer Policy Issues</b>	
Cancel/Sold company	22
Rebate/Refund	15
Accounts receivable balance	9
Employer program	7
Coverage	6
Employer invoice	5
Collections	3
Installment payment	2
Employer true up	2
Audit	2
MCO	2
Payment issue	2
Elective coverage	2
Safety & Hygiene	2
Change of address	1
Billion Back	1
<b>Total</b>	<b>83</b>

<b>MCO &amp; Other Treatment Issues</b>	
Authorization of medical treatment	21
Bills non payment	18
Medical provider	16
Find physician	4
Prescription - opioids	4
Prescription - prior authorization	3
Self-insured medical bill	3
MCO staff	3
MCO form	3
Prescription - general	2
Vocational rehabilitation	2
ADR	1
<b>Total</b>	<b>80</b>

<b>Compensation Issues</b>	
Temporary total disability	25
Permanent partial disability	7
Wage loss	5
Permanent total disability/DWRF	5
Lump sum settlement	4
Banking issue	3
Travel reimbursement	2
Scheduled loss	1
Death benefits	1
<b>Total</b>	<b>53</b>

<b>General Workers' Compensation Issues</b>	
Self-insured complaint	18
Additional allowance	4
Attorney/Representative	3
Employer form	2
Employer delay of claim	2
Labor Issue	1
Statute of limitations	1
Fee dispute	1
<b>Total</b>	<b>32</b>

## Causation and Accountability Reports - Complaints

These charts denote in further detail what we found to be the problem after investigating the complaint and identifying the responsible entity. Comparison data from prior years is included.

Causation	2017	2018	2019
Unjustified complaint	325	221	209
CSS/MCS	339	120	48
Employer	30	44	24
Policy services	46	25	21
Medical provider	34	20	18
MCO	17	13	17
Attorney/Representative	9	10	10
Injured worker	13	12	8
Needs forms or information	21	15	8
IC	21	6	8
Billing issue	13	5	8
Medical exam/Review required	45	8	4
Prescription issue	7	8	3
Claim status	0	0	2
Unresponsiveness CSS/MCS	10	4	2
Wanted claim expedited	1	0	2
Website	7	2	1
Appeal	1	0	1
Overpaid	0	0	1
Warrant returned or reissued	1	1	0
<b>Total</b>	<b>940</b>	<b>514</b>	<b>395</b>

Accountability	2017	2018	2019
Injured worker	209	167	155
BWC	467	156	85
Employer - state fund	110	78	70
Attorney/Representative	56	32	27
Medical provider	52	34	26
MCO	24	16	19
Employer - Self-insured	13	19	11
Pharmacy benefits manager	4	5	2
IC	4	5	0
Financial institution	1	2	0
<b>Total</b>	<b>940</b>	<b>514</b>	<b>395</b>

## Year-to-year comparison - Complaints

The tables below provide a comparison of complaint data for years 2017, 2018, and 2019.

Complaints by Customer Type	2017	2018	2019
Injured worker	347	262	220
Employer	150	88	72
Injured worker representative	383	125	62
Employer representative	22	11	16
Medical provider	25	23	14
Government office	7	3	8
Other	6	2	3
<b>Total</b>	<b>940</b>	<b>514</b>	<b>395</b>

Complaints by Employer Type	2017	2018	2019
Private state fund	621	382	277
Self-insured	218	78	70
Public state fund	62	35	30
Unknown	17	12	9
State agency	22	7	9
<b>Total</b>	<b>940</b>	<b>514</b>	<b>395</b>

Issue Report - Complaints	2017	2018	2019
BWC processing issues	538	205	127
Employer policy issues	151	87	83
MCO/Other treatment issues	97	91	80
Compensation issues	80	52	53
General WC issues	42	49	32
IC hearing issues	32	30	20
<b>Total</b>	<b>940</b>	<b>514</b>	<b>395</b>

## Issue Report - Ombuds Inquiries

Ombuds staff directly provides information to the customer and there was not a complaint.

<b>Compensation Issues</b>	
Temporary total disability	190
Lump sum settlement	49
Wage loss	43
Permanent partial disability	34
Permanent total disability/DWRF	26
Death benefits	16
Travel reimbursement	15
AWW/FWW amount	13
Banking issue	7
Scheduled loss	3
Lump sum advancement	3
Violation of specific safety requirements	2
Salary continuation	1
AWW/FWW delay	1
<b>Total</b>	<b>403</b>

<b>General Workers' Compensation Issues</b>	
Claim allowance	72
Non specific	59
Additional allowance	41
Self-insured complaint	39
Employer form	23
Attorney/Representative	21
Medicare	20
Statute of limitations	18
Fraud allegation	6
Light duty	6
Fee dispute	4
Labor issue	3
Interstate jurisdiction	2
Employer delay of claim	1
<b>Total</b>	<b>315</b>

<b>MCO &amp; Other Treatment Issues</b>	
Bills non payment	98
Authorization of medical treatment	89
Medical provider	40
Find physician	33
Self-insured medical bill	13
Vocational rehabilitation	12
Prescription - prior authorization	11
Prescription - general	10
MCO form	10
ADR	9
MCO staff	8
Provider enrollment	8
Reactivation	4
Provider policy and fee schedule	2
Prescription - generic vs. brand	2
Prescription - opioids	1
MCO survey	1
<b>Total</b>	<b>351</b>

<b>Employer Policy Issues</b>	
Coverage	153
Cancel/Sold company	96
Certificate	57
Accounts receivable balance	40
Rebate/Refund	35
Employer true up	26
Employer program	24
Employer invoice	18
Change of address	15
Payment issue	12
Installment payment	11
Wrong policy number	7
MCO	7
Safety & Hygiene	7
Audit	6
Elective coverage	6
Rate	5
Lien	5
Collections	5
Estimated annual premium	5
Amended payroll	4
Policy combined/Transferred/Cancelled	3
Billion Back	3
ESS/AE2	3
Manual code classification	2
Prospective billing	1
Other state coverage	1
<b>Total</b>	<b>557</b>

<b>BWC Processing Issues</b>	
Claim process	292
BWC form	179
BWC form	73
CSS/MCS	60
BWC E account	32
Independent medical exam	19
Website	12
Status of form/Application	5
IC hearing referral	2
<b>Total</b>	<b>674</b>

<b>IC Hearing Issues</b>	
Hearing process/Hearing letter	426
Hearing decision	60
IC form	24
Hearing officer	5
IC exam	3
Hearing delay	3
<b>Total</b>	<b>521</b>

## Issue Report - Other Inquiries

Ombuds staff determines that the information being requested is more properly obtained elsewhere.

<b>Employer Policy Issues</b>	
Coverage	302
Payment issue	271
Certificate	169
Employer true up	153
Accounts receivable balance	70
Cancel/Sold company	64
Employer invoice	48
Rate	35
Safety & Hygiene	35
Change of address	32
Rebate/Refund	31
Installment payment	31
Employer program	29
Manual code classification	25
Collections	24
Other state coverage	18
Lien	18
Estimated annual premium	10
ESS/AE2	8
Elective coverage	7
Policy combined/Transferred/Cancelled	6
Audit	6
MCO	2
Prospective billing	2
Wrong policy number	2
Amended payroll	2
Billion Back	1
<b>Total</b>	<b>1,401</b>

<b>MCO &amp; Other Treatment Issues</b>	
Medical provider	20
Provider enrollment	16
Prescription - prior authorization	12
Authorization of medical treatment	10
Provider policy and fee schedule	9
Prescription - general	9
Bills non payment	7
Self-insured medical bill	5
Find physician	4
MCO form	3
MCO staff	2
Prescription - generic vs brand	2
<b>Total</b>	<b>99</b>

<b>General Workers' Compensation Issues</b>	
Non specific	147
Self-insured complaint	20
Fraud allegation	14
Employer form	13
Attorney/Representative	10
Claim allowance	5
Interstate jurisdiction	4
Medicare	3
Statute of limitations	2
Additional allowance	1
Fee dispute	1
Employer delay of claim	1
<b>Total</b>	<b>221</b>

<b>Compensation Issues</b>	
Temporary total disability	43
Banking issue	39
Permanent total disability/DWRF	13
Lump sum settlement	12
Death benefits	10
Wage loss	9
AWW/FWW amount	4
Scheduled loss	2
Salary continuation	2
Permanent partial disability	1
Lump sum advancement	1
<b>Total</b>	<b>136</b>

<b>BWC Processing Issues</b>	
Claim process	152
CSS/MCS	92
BWC E account	87
BWC form	30
Website	13
Independent medical exam	3
Processing delay	1
IC hearing referral	1
<b>Total</b>	<b>379</b>

<b>IC Hearing Issues</b>	
Hearing process/Hearing letter	19
Hearing decision	1
IC form	2
IC exam	1
Hearing officer	1
<b>Total</b>	<b>24</b>

## 2019 Administrative Update

### Budget

Expenditures to operate the Ombuds Office in CY2019 totaled \$727,755. This total includes payroll costs for staff of \$703,352 and operating expenses of \$24,403. Total expenditures for CY2019 rose 2 percent as compared to CY2018. A spreadsheet providing budget details is on page 30 of this annual report.

Total payroll costs for 2019 vs. 2018 increased 3 percent. Payroll costs include employee salary and employer paid benefits, including health insurance and retirement. Additionally, this portion of the budget includes a mass allocation (cost divided between BWC departments) for William Green Building security guards (personal service). There is some fluctuation in the payroll cost over CY2018 based on the 26 pay period cycle resulting in two months with three pay periods, and individual employees' selections related to their benefits.

In CY2019, staff included the chief ombudsperson, two exempt employees (in Columbus) and five bargaining unit employees (four in Columbus and one in Cleveland). In CY2018, no overtime was paid.

Non-payroll operating costs for the Ombuds Office for 2019 were \$24,403. This total is a decrease of 13 percent from \$27,941 in 2018. The two largest operating expenses for us are utilities and building maintenance (these are mass allocations calculated based on the square footage of each department). Also included in this section of the budget, is the cost for office supplies, printing, telephone and travel.

### Database

In December 2019 we concluded our eleventh full year of the ePowerCenter tracking software. Benefits of this industry standard software include:

- Improved tracking of individual complaints and inquiries;
- Improved consistency of information provided to Ombuds Office customers;
- Quicker recall history of prior discussions with customers;
- Quicker access to injured worker claims data;
- Quicker access to employer risk data;
- Improved report generating capabilities;
- Improved data trend analysis capabilities.

We began collecting data in January 2009, and this data continues to be useful in conducting year over year comparisons, and identifying customer trends. In addition, several BWC divisions now use ePowerCenter. The ePowerCenter data on the Ombuds system remains 100 percent segregated from BWC data, and we continue to retain statutory independence and neutrality. This sharing of the same software allows for better data trend analysis of current and future problems.

In 2014, we began tracking general inquiry information in addition to complaint information we previously tracked. This additional data provides a more robust picture of the type and source of issues presented to us for resolution. Additionally, we continuously review database parameters to ensure we are capturing as much information as possible from each customer contact.

The advantage to making these changes is that we can get a much clearer and more detailed picture of the type of issues brought to us. One disadvantage is that a year-to-year comparison is not possible until we have several years with stable parameters.

### **Promoting Ombuds Office services**

In 2014, we resumed the practice of collecting information about how our customers learned of our office and/or the source of their referral. This information allows the office to conduct analysis to promote our services more effectively. Ensuring that potential customers and sources of referrals have an awareness of the office and the services provided continues to be a priority in 2019. I continue to accept speaking engagements to explain Ombuds Office services whenever they are offered..

### **Printed material**

We produce and print our capabilities brochure in-house at minimal cost by BWC communications and DAS state printing. We mail this brochure upon request; distribute it at speaking engagements; and provide it to BWC, IC, employer and labor groups and other government entities for distribution to potential customers.

### **Promoting services to IC**

We increased awareness of services to the IC in several ways including:

- Presenting an overview of the office and services provided to all IC hearing officers as part of their regional training;
- Meeting with IC support staff in IC offices statewide to discuss available services;
- Providing capabilities brochures to IC hearing officers and staff for distribution to employers, injured workers and their representatives;
- Maintaining placement of link to Ombuds Office information on the IC's website.

### **Promoting Services to BWC**

We increased awareness of services to the BWC in several ways, including:

- Meeting with BWC customer service office managers and claims staff to discuss available Ombuds Office services;
- Meeting with BWC risk staff and employer services specialists to raise awareness of our services available to Ohio employers;
- Meeting with Division of Safety & Hygiene staff, both at headquarters in Pickerington, and in locations across Ohio, to increase awareness of our services available to Ohio employers;
- Meeting with BWC business consultants to increase their awareness of our services;
- Working with BWC's 1-800-OHIOBWC call center staff to increase awareness of our services and to increase appropriate referrals;
- Maintaining placement of link to Ombuds Office information on BWC's website;
- Working with BWC to determine placement of an option to reach the Ombuds Office on the 1-800-OHIOBWC phone line.

### **Promoting services to employers**

We increased awareness of services to employers in several ways, including:

- Mailing letters to unrepresented employers prior to their first IC hearing;

- Distributing our capabilities brochure to business trade groups for distribution to their members;
- Providing information business trade groups can share on their websites;
- Speaking at special events and/or seminars with target audiences present;
- Providing information on our services to local and regional chambers of commerce and safety councils.

### **Promoting services to injured workers**

We will increase awareness of services to injured workers in several ways, including:

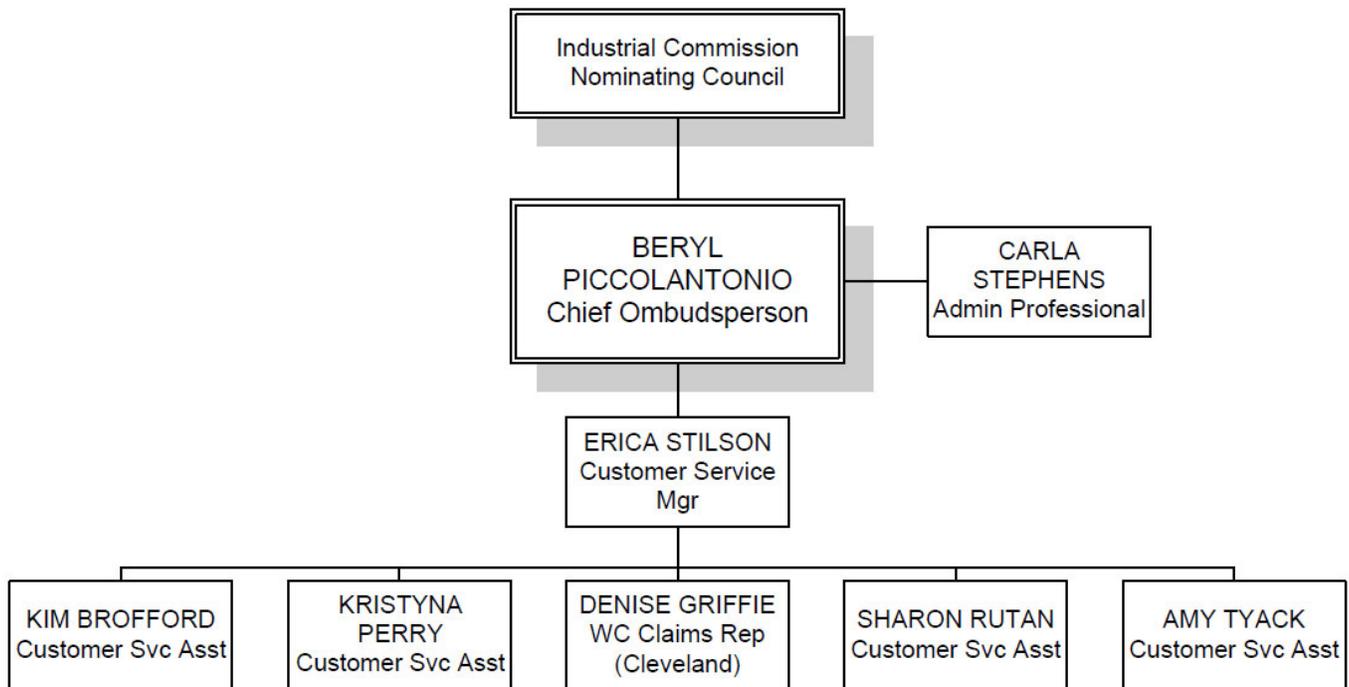
- Mailing letters to unrepresented injured workers prior to their first IC hearing;
- Distributing our capabilities brochure to local unions, across Ohio;
- Speaking at labor seminars, including AFL-CIO, UAW and Teamsters;
- Providing information local unions can share on their websites;
- Conducting meetings with local union stewards to increase their awareness of our services.

### **Promoting services to government officials**

The Ombuds Office has increased awareness of services to other government agencies in several ways, including:

- Providing information about services available to members of the Ohio General Assembly and their staff to use as a resource when handling complaints and inquiries from constituents;
- Providing information on our services to call centers and action lines of local government entities, including Ohio cities, counties, and townships;
- Providing updated information about us to court personnel across Ohio.

## Ombuds Office Table of Organization



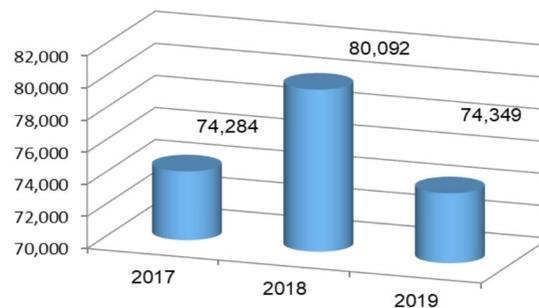
# Ombuds Office Expenditure Report - Calendar Year 2019

OBJECT CLASS	JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.	TOTAL EXPENSES
10 Payroll	53,683	53,856	53,859	53,843	53,786	80,590	55,763	53,035	49,395	52,649	82,399	55,594	698,452
10 Overtime Paid	0	0	0	0	0	0	0	0	0	0	0	0	0
13 Personal Service	0	0	1,283	0	0	1,207	0	0	812	0	0	1,209	4,510
15 Other P.S.	0	0	0	0	195	0	0	0	0	0	0	195	390
<b>Total 100</b>	<b>53,683</b>	<b>53,856</b>	<b>55,142</b>	<b>53,843</b>	<b>53,981</b>	<b>81,796</b>	<b>55,763</b>	<b>53,035</b>	<b>50,207</b>	<b>52,649</b>	<b>82,399</b>	<b>56,998</b>	<b>703,352</b>
20 Edible Products	0	0	0	0	0	0	0	0	0	0	0	0	0
21 Supplies	0	0	0	0	0	31	0	0	18	0	0	0	49
211 INTRNL SUPPLIES	0	0	0	0	0	0	0	0	0	0	0	0	0
22 Vehicle Maintenance	0	0	0	0	0	0	0	0	0	0	0	0	0
221 INTRNL VEHICLE	0	0	0	0	0	0	0	0	0	0	0	0	0
23 Travel Fees	0	0	0	0	0	0	0	0	0	0	0	0	0
24 Communications	0	0	0	0	0	0	0	0	0	0	4	65	69
241 INTRNL COMM	398	433	332	509	397	403	336	474	584	383	482	393	5,124
241 IT Lic Commun	0	241	139	139	139	139	139	141	140	140	10	271	1,637
25 Fuel/Utilities	0	0	1,286	0	0	1,218	0	0	775	0	0	1,100	4,379
26 Maintenance	0	0	2,935	0	0	2,618	0	0	0	0	0	3,619	9,172
27 Rentals	0	0	0	0	0	0	0	0	0	0	0	0	0
271 (STV)/Goods & Svcs	211	647	516	230	0	908	94	90	0	882	396	0	3,974
28 Printing/Advertising	0	0	0	0	0	0	0	0	0	0	0	0	0
29 General/Other	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total 200</b>	<b>609</b>	<b>1,320</b>	<b>5,208</b>	<b>878</b>	<b>536</b>	<b>5,317</b>	<b>569</b>	<b>705</b>	<b>1,517</b>	<b>1,405</b>	<b>892</b>	<b>5,448</b>	<b>24,403</b>
30 Food Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
31 Office Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
32 Motor Vehicles	0	0	0	0	0	0	0	0	0	0	0	0	0
34 Communications Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
35 Medical/Lab Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
36 Educational/Rec Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
37 Data Processing Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
371 INTRNL DP EQP	0	0	0	0	0	0	0	0	0	0	0	0	0
38 Copy/Print Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
39 Other Equip	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total 300</b>	<b>0</b>												
<b>Grand Total</b>	<b>54,292</b>	<b>55,177</b>	<b>60,350</b>	<b>54,721</b>	<b>54,516</b>	<b>87,113</b>	<b>56,332</b>	<b>53,740</b>	<b>51,724</b>	<b>54,054</b>	<b>83,291</b>	<b>62,445</b>	<b>727,755</b>

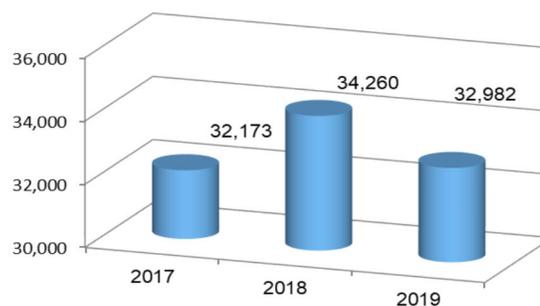
Note: Mass Allocations included in March, June, September, and December.

# Industrial Commission 2019 Year-End Statistics

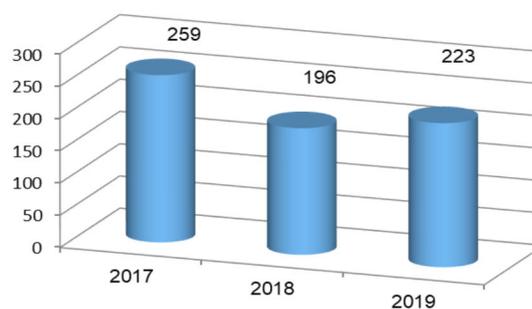
**DHO level hearings**



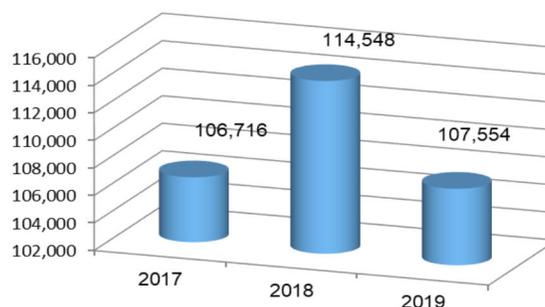
**SHO level hearings**



**Commission level hearings**



**Total IC hearings**



Source: IC Management Planning

# Ohio Bureau of Workers' Compensation

## 2019 Year-End Statistics

	FY 2019	FY 2018	FY 2017
<b>State-fund claims filed</b>			
Lost time	11,009	10,662	10,745
Medical only	72,932	73,967	75,030
Occupational disease	255	280	360
Death	168	227	155
Disallowed or dismissed	<u>12,240</u>	<u>12,049</u>	<u>11,641</u>
Total	<u>96,604</u>	<u>97,185</u>	<u>97,931</u>
Net allowed injuries	84,364	85,136	86,290

NOTE: Every claim is evaluated at 60 days after filing for purposes of claim type, State Fund versus Self-Insured, combine status, and allowance status. Values exclude combined and Self-Insured claims.

### Open claims (Per statute)

Lost time	207,594	223,318	242,778
Medical Only	<u>438,785</u>	<u>448,870</u>	<u>461,978</u>
Total	<u>646,379</u>	<u>672,188</u>	<u>704,756</u>

### Benefits paid

Medical benefits paid	\$ 490,034,666	\$ 526,379,567	\$ 550,569,114
Compensation paid			
Wage loss	\$ 6,753,726	\$ 7,525,535	\$ 8,371,994
Temporary Total	194,770,873	197,894,421	204,141,166
Temporary Partial	4,189	3,511	4,361
Permanent Partial	22,692,662	23,021,440	19,632,350
% Permanent Partial	57,590,270	57,430,490	55,294,805
Lump Sum Settlement	140,426,459	145,946,543	134,602,047
Lump Sum Advancement	16,648,612	17,456,267	19,902,247
Permanent Total & DWRF	369,525,968	376,041,549	381,508,395
Death	80,666,730	81,210,663	83,177,378
Rehabilitation	24,544,006	26,417,263	30,083,940
Other	<u>3,111,525</u>	<u>4,054,993</u>	<u>4,046,402</u>
Total Compensation Paid	\$ 916,735,020	\$ 937,002,675	\$ 940,765,085
Total Benefits Paid	<u>\$ 1,406,769,686</u>	<u>\$ 1,463,382,242</u>	<u>\$ 1,491,334,199</u>
MCO Fees Paid	\$170,,882,589	\$170,755,316	\$170,797,091

NOTE: Due to improvements in BWC data capture and reporting systems, prior year data may not agree with amounts previously reported.

Source: BWC Fiscal Year 2019 Annual Report

## 2019 Year-End statistics

	FY 2019	FY 2018	FY 2017
<b>Fraud statistics</b>			
Fraud Dollars Identified	\$ 65,144,322	\$ 60,098,139	\$ 41,764,061
\$\$\$ Saved to \$\$\$ Spent Ratio	4.93to 1	4.81 to 1	3.48 to 1
Prosecution Referrals	189	166	163
<b>Active employers by type</b>			
Private	244,247	236,591	237,249
Public (local)	3,796	3,784	3,796
Public (state)	115	115	121
Self-insured	1,160	1,173	1,166
Black lung	26	28	28
Marine Fund	128	121	114
Total	<u>249,472</u>	<u>241,812</u>	<u>242,474</u>
Starting in FY 2019, policies that lapsed within the fiscal year are treated as active.			
<b>BWC personnel</b>	1,774	1,760	1,785
<b>IC personnel</b>	333	342	345

# Industrial Commission Nominating Council

Current as of April 2019

## Employer Representatives

**Eric Burkland**  
Ohio Manufacturers Association

**Andrew Doehrel**  
Ohio Chamber of Commerce

**Roger Geiger**  
National Federation of  
Independent Business / Ohio

**Gordon M. Gough\*\***  
Ohio Council of Retail Merchants

**Debbie Lantman**  
Ohio Self-Insurers Association

## Public Members

**Daniel Massey**

**Robert Schmitz**

## Labor Representatives

**Tim Burga\***  
Ohio AFL-CIO

**Frank Gallucci**  
Plevin & Gallucci

**John Lyall**  
AFSCME Ohio Council 8

**David Prentice**  
United Steelworkers

## Ohio Association of Justice Representative

**Philip Fulton\*\*\***

\* Chairperson

\*\* Vice Chairperson

\*\*\* Secretary