

Meeting Minutes

January 23, 2014
11:00 A.M.

TYPE OF MEETING Commission Meeting

ATTENDEES Chairman Thomas H. Bainbridge
Commissioner Jodie M. Taylor
Commissioner Karen L. Gillmor
Tom Connor, Executive Director
Rachael Black, Chief Legal Counsel
Debbie Fodey, Administrative Assistant
Kimberly Ferkany, Administrative Assistant
Genevieve Hoffman, Administrative Assistant
Greg Hickman, Administrative Assistant
Keith Carpenter, Administrative Assistant

CALL TO ORDER

The meeting was called to order by Chairman Bainbridge.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Commissioner Taylor	Present
Commissioner Gillmor	Present
Chairman Bainbridge	Present

OLD BUSINESS

Chairman Bainbridge moved to approve both the November 27, 2013 Meeting Minutes and the December 3, 2013 Meeting Minutes (as amended). Commissioner Taylor seconded the motion.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Commissioner Taylor	Yes
Commissioner Gillmor	Yes
Chairman Bainbridge	Yes

NEW BUSINESS

- A. Final Filing of Ohio Administrative Code 4125-1-01 (rescission and new)
- B. Final Filing of Ohio Administrative Code 4125-1-02
- C. Original Filing of Ohio Administrative Code 4121-2-01; 4121-2-02, 4121-3-12, 4121-3-20, 4121-15-01, 4121-15-02; 4121-15-03, 4121-15-04, 4121-15-05, 4121-15-06, 4121-15-07, 4121-15-08, and 4121-15-09.

MOTION

Chairman Bainbridge moved to approve the following: final filing for the rescinded joint rule 4125-1-01; the final filing of new joint rule 4125-1-01; the effective date of the new joint rule 4125-1-01 being February 13, 2014 and the effective date of the rescinded joint rule 4125-1-01 being February 12, 2014; the next five year rule review date of joint rule 4125-1-01 being February 1, 2017. Commissioner Taylor seconded the motion.

DISCUSSION

Commissioner Gillmor asked if there were any comments made by the public at the public meeting held on January 3, 2014. Ms. Black indicated that no comments were made by the public. Commissioner Taylor asked if there was any additional follow-up provided by John Donaldson. Mr. Connor noted that there was not.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Commissioner Taylor	Yes
Commissioner Gillmor	Yes
Chairman Bainbridge	Yes

MOTION

Chairman Bainbridge moved to approve the following: final filing for the amended joint rule 4125-1-02; the effective date of the aforementioned amended rule being February 13, 2014; the next five year rule review date for the aforementioned amended rule being February 1, 2017. Commissioner Taylor seconded the motion.

DISCUSSION

Commissioner Gillmor asked if there were any comments made by the public at the public meeting held on January 3, 2014. Ms. Black indicated that no comments were made by the public.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Commissioner Taylor	Yes
Commissioner Gillmor	Yes
Chairman Bainbridge	Yes

MOTION

Chairman Bainbridge moved, as amended, that after the review required pursuant to Section 119.032 of the Revised Code that the following rules be originally filed for amendment: 4121-2-01; 4121-15-01; 4121-15-03; 4121-15-06; 4121-15-07 and that a public hearing in connection with the aforementioned rules be set on March 14, 2014 at 1:00 p.m. in Room 1 on L-2 at 30 West Spring Street, Columbus, Ohio.

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

DISCUSSION

Ms. Black indicated that the Bureau of Workers' Compensation (BWC) is filing the aforementioned rules as "no change." Commissioner Gillmor noted that paragraph (A)(5) of proposed rule 4121-2-01 refers to "the code of professional responsibility as adopted by the supreme court of Ohio under date of October 5, 1970." On February 1, 2007, the "Rules of Professional Conduct" became effective, replacing the "Code of Professional Responsibility" in Ohio. Commissioner Gillmor suggested the rule be amended to reflect the current standard. Chairman Bainbridge advised the rule will be pulled from the aforementioned motion and then amended to reflect the Code of Professional Responsibility that is the current standard in Ohio. Ms. Black noted that an extension may be requested if needed.

Commissioner Taylor asked where the BWC added language and if the Commission added language. Ms. Black indicated the BWC added language to 4123-15-01 and acknowledged that although not reflected in the draft of rule 4121-15-01, the Commission did include the language added by BWC "including the members of the bureau of workers' compensation board of directors."

Commissioner Gillmor inquired as to whether it would be advisable, since rule 4121-15-07 is already being filed for amendment, to also amend the rule to state "fully observe it" in the next to last sentence rather than "observe it fully" in order to match BWC's corresponding rule 4123-15-07, effective January 1, 2014. Ms. Black stated it would not be advisable since the rule has already gone through JCARR.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Commissioner Taylor	Yes
Commissioner Gillmor	Yes
Chairman Bainbridge	Yes

MOTION

Chairman Bainbridge moved, as amended, that after the review required pursuant to Section 119.032 of the Revised Code that the following rules be continued without change: 4121-2-02; 4121-3-12; 4121-3-20; 4121-15-02; 4121-15-04; 4121-15-05; 4121-

15-08; 4121-15-09 and that the next rule review date for the aforementioned rules being February 1, 2019.

DISCUSSION

Commissioner Taylor asked about 4121-15-02, titled "Policy." Ms. Black indicated the Commission may change the title if it so desires. Ms. Black also noted that the rule has already gone through the Joint Committee on Agency Rule Review (JCARR).

Commissioner Taylor recommended pulling rule 4121-15-08. Commissioner Gillmor noted that some of the rules were adopted many years ago and inquired into whether BWC was planning to act on its corresponding rules.

Commissioner Gillmor asked if RAG had any comments regarding the VSSR rule, rule 4121-3-20. Mr. Connor noted that there was no agreement between RAG members regarding formalized hearings in VSSR cases. Commission Taylor spoke to a few members of RAG. These members advised that the rule should be filed as a "no change" so that RAG members may continue to work on the concerns regarding the VSSR rule.

ACTION BY

Mr. Connor called the roll.

ROLL CALL

Commissioner Taylor	Yes
Commissioner Gillmor	Yes
Chairman Bainbridge	Yes

ADJOURNMENT

Chairman Bainbridge moved to adjourn. Commissioner Taylor seconded the motion.

ACTION BY

Mr. Connor called the roll.

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

ROLL CALL

Commissioner Taylor	Yes
Commissioner Gillmor	Yes
Chairman Bainbridge	Yes

Respectfully submitted,



Tom Connor
Executive Director