

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

Meeting Minutes

December 7, 2016

9:30 A.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
Jacob Bell, Director of Operations/Legislation
Casaundra Johnson, Administrative Assistant
Kim Ferkany, Administrative Assistant
Debbie Fodey, Administrative Assistant
Greg Hickman, Assistant Legal Counsel
Jennifer Rohrbaugh, Assistant Legal Counsel
Wanda Mullins, Director Medical Services
Sarah Castle, Peer Review Coordinator
Dr. John McGrail, Chief Medical Advisor

CALL TO ORDER

The meeting was called to order by Chairman Bainbridge.

ACTION BY

Mr. Adams called the roll.

ROLL CALL

Commissioner Gillmor	Present
Commissioner Taylor	Present
Chairman Bainbridge	Present

OLD BUSINESS

Chairman Bainbridge indicated there were four meeting minutes that needed approval. Chairman Bainbridge stated he would make an individual motion for each meeting minute.

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MOTION

Chairman Bainbridge moved that the June 15, 2016 Commission Meeting Minutes be approved as presented to the Commission.

Commissioner Taylor seconded the motion.

ACTION BY

Mr. Adams called the roll.

ROLL CALL

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

MOTION

Chairman Bainbridge moved that the June 29, 2016 Commission Meeting Minutes be approved as presented to the Commission.

Commissioner Taylor seconded the motion.

ACTION BY

Mr. Adams called the roll.

ROLL CALL

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

MOTION

Chairman Bainbridge moved that the August 3, 2016 Commission Meeting Minutes be approved as presented to the Commission.

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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MOTION

Chairman Bainbridge moved that the October 13, 2016 Commission Meeting Minutes be approved as presented to the Commission.

Commissioner Taylor seconded the motion.

ACTION BY

Mr. Adams called the roll.

ROLL CALL

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

NEW BUSINESS

Ohio Adm.Code 4121-3-09, 4125-1-01, and 4125-1-02

Chairman Bainbridge indicated there were three rules on the agenda that needed approval as part of the five year rule review process. Chairman Bainbridge stated he would make a motion for each rule separately.

MOTION

Chairman Bainbridge moved that Ohio Adm.Code 4121-3-09 “Conduct of hearings before the commission and its staff and district hearing officers,” filed as a no change rule on November 9, 2016, be withdrawn. Chairman Bainbridge further moved that, after the review required pursuant to R.C. 106.03, Ohio Adm.Code 4121-3-09 “Conduct of hearings before the commission and its staff and district hearing officers” be originally filed for amendment.

Commissioner Taylor questioned why Ohio Adm.Code 4121-3-09 was being withdrawn and filed as an amendment instead of a no change. Rachael Rentas-Black indicated the Joint Committee on Agency Rule Review (JCARR) discovered an error in a cross-reference in the rule. Ms. Rentas-Black noted that the error occurred the last time the Commission reviewed the rule and that JCARR noticed the error during its review of the Commission’s no-change filing and requested that the rule be withdrawn and the error corrected.

Commissioner Taylor seconded the motion.

ACTION BY

Mr. Adams called the roll.

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Tim Adams, *Executive Director*

ROLL CALL

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

MOTION

Chairman Bainbridge moved that, after the review required pursuant to R.C. 106.03, Ohio Adm.Code 4125-1-01 “Wage loss compensation” be originally filed for amendment.

Chairman Bainbridge indicated there was one minor typographical error in paragraph (A)(8) where the period should be outside of the parenthesis. Commissioner Taylor asked what the proposed changes from the Rules Advisory Group were. Ms. Rentas-Black responded that the Rules Advisory Group agreed to make three changes to the rule. First, in paragraph (A)(8) it was decided to include the phrase “despite a good faith job search” to better define “non-working wage loss.” The Rules Advisory Group and the Bureau of Workers’ Compensation also agreed to remove the reference in (D)(1)(c) as it was confusing. Ms. Rentas-Black stated the final change included adding the language “claim-related” to (E)(1)(c)(iv). Commissioner Taylor asked if the Rules Advisory Group shared other concerns during the meetings. Ms. Rentas-Black responded that the Bureau of Worker’s Compensation raised the same concerns it raised during the 2012 five year rule review of Ohio Adm.Code 4125-1-01, which the Rules Advisory Group rejected then. Ms. Rentas-Black added that the Rules Advisory Group decided not to rehash those same contentious issues.

Commissioner Taylor seconded the motion.

ACTION BY

Mr. Adams called the roll.

ROLL CALL

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

MOTION

Chairman Bainbridge moved that after the review required pursuant to R.C. 106.03, Ohio Adm.Code 4125-1-02 “Electronic submission and acceptance of documents” be continued without amendment. Chairman Bainbridge further moved that the next rule review date for the aforementioned rule be February 1, 2022.

Commissioner Taylor seconded the motion.

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ACTION BY

Mr. Adams called the roll.

ROLL CALL

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

PTD Fee Schedule

Wanda Mullins, Sarah Castle, and Dr. John McGrail entered the meeting. Wanda Mullins indicated there were many typographical changes needed in the Medical Examination Manual; however, she would only be addressing the topic of the fee schedule for the independent medical examinations at this time. Ms. Mullins stated the last revision of the fee schedule was in 2009, and before that revision, it was in 1999. Ms. Mullins added Sarah Castle conducted a study of other states' fee schedules and determined Ohio's schedule is very low in comparison. Ms. Mullins stated Ohio's workers' compensation system is similar to the state of Washington; however its payment system is slightly different. Commissioner Taylor asked what is the current fee schedule in place and Ms. Mullins responded it is a graduated scale of \$500, \$600, and \$700. Commissioner Taylor asked who receives the highest fee, to which Ms. Mullins responded occupational medicine physicians and physical medicine and rehabilitation. Commissioner Taylor stated that the self-insuring employers pay a much higher rate for the employer examinations. Ms. Mullins stated the proposal is to increase the fee by about 24% which would bring the graduated scale to \$650, \$750, and \$850. Commissioner Taylor responded the proposal was still too low. Ms. Mullins indicated that it is proposed to have another increase in three to four years, on which the Commission would have to vote again. Chairman Bainbridge asked Mr. Adams if the fiscal department was in agreement with the proposal. Mr. Adams answered yes. Commissioner Taylor asked what the overall increase in cost would be. Ms. Mullins responded the proposal would result in a \$405,000 increase. Ms. Mullins clarified that the third box in Exhibit B was a proposal for 2021, on which the Commission would need to vote at that time.

MOTION

Chairman Bainbridge moved that the medical examination fees as proposed be approved.
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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ADJOURNMENT

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

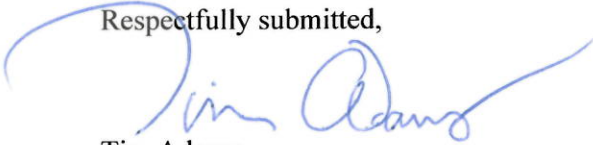
ACTION BY

Mr. Adams called the roll.

ROLL CALL

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

Respectfully submitted,



Tim Adams
Executive Director