

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

April 10, 2019

10:30 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
Steven Kramer, Administrative Assistant
Debbie Fodey, Administrative Assistant
Gregory Hickman, Assistant Legal Counsel
Amanda Brown, Assistant Legal Counsel
Laura Schank, Hearing Officer Trainer
Dr. John McGrail, Chief Medical Advisor
Sara Castle, Deputy Director of Medical Services

CALL TO ORDER

Chairman Bainbridge called the meeting to order.

ACTION BY

Mr. Adams called the roll.

ROLL CALL

Commissioner Gillmor	Present
Commissioner Taylor	Present
Chairman Bainbridge	Present

OLD BUSINESS

Meeting Minutes: May 10, 2018

MOTION

Chairman Bainbridge moved to approve the May 10, 2018 meeting minutes.

Commissioner Taylor seconded the motion.

ACTION BY

Mr. Adams called the roll.

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ROLL CALL

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

Meeting Minutes: August 22, 2018

MOTION

Chairman Bainbridge moved to approve the August 22, 2018 meeting minutes.

Commissioner Taylor seconded the motion.

ACTION BY

Mr. Adams called the roll

ROLL CALL

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

Meeting Minutes: September 12, 2018

MOTION

Chairman Bainbridge moved to approve the September 12, 2018 meeting minutes.

Commissioner Taylor seconded the motion.

ACTION BY

Mr. Adams called the roll.

ROLL CALL

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

Meeting Minutes: September 19, 2018

MOTION

Chairman Bainbridge moved to approve the September 19, 2018 meeting minutes.

Commissioner Taylor seconded the motion.

ACTION BY

Mr. Adams called the roll.

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Thomas H. Bainbridge, *Chairman*
Jodie M. Taylor, *Member*
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ROLL CALL

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

NEW BUSINESS

Medical Examination Manual - Fee Schedule

Chairman Bainbridge indicated that an area of new business is the Medical Examination Fee Schedule revisions.

The Commission invited Dr. McGrail and Ms. Castle into the meeting in order to discuss matters related to the Medical Examination Fee Schedule.

Dr. McGrail stated that one area that was considered was the amount of monies that medical examiners are paid for “no shows.” Dr. McGrail indicated that he researched the states closest to Ohio and those states pay an average of \$283.00 for “no show” appointments. As such, Dr. McGrail proposed setting the rate for a “no show” appointment at \$300.00, noting this amount was fair since the examiner has already prepared to see the individual.

Turning to the proposed fees for medical examinations, Chairman Bainbridge asked if there was a different fee for examinations involving more than one body part.

Ms. Castle indicated that she and Dr. McGrail were proposing a fee of \$900.00 for an examination involving one to three body parts and \$1,100.00 for an examination involving four or more body parts. Ms. Castle further indicated that they were proposing \$900.00 for psychological examinations irrespective of the number of allowed psychological conditions except if the examiner needed to perform additional neuropsychological testing.

Chairman Bainbridge asked what the fee would be for an examination for low back herniation. Dr. McGrail indicated that the fee would be \$900.00 for the examination even if it involved multiple herniations.

Commissioner Taylor inquired whether the Commissioners were voting solely on proposed Resolution R19-1-01, dealing with the Medical Examination Fee Schedule, or were the Commissioners also voting on the proposed *Medical Examination Manual* revisions.

Chairman Bainbridge confirmed that the Commissioners were currently voting solely on the proposed Resolution.

MOTION

Chairman Bainbridge moved to adopt Resolution R19-1-01 with an effective date of April 10, 2019.

Commissioner Taylor seconded the motion.

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Commissioner Gillmor indicated she would like to have discussion. Commissioner Gillmor indicated she was aware the Commission was only addressing fees at this time but wanted to take a moment to note that the proposed changes to the *Medical Examination Manual* appear to be good and to thank Medical Services for their hard work in updating the *Manual*. Commissioner Gillmor noted that the “Billing Procedures” set out in Section 1 of the draft changes to the *Manual* on page 18 will need to be amended to reference that the medical examination fees are set out in the Resolution.

Chairman Bainbridge indicated that the Commission would address this amendment in the future.

ACTION BY

Mr. Adams called the roll.

ROLL CALL

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

Commissioner Taylor noted that the Members must all sign the Resolution today since they voted to make it effective as of today’s date. Ms. Rentas-Black indicated that she would obtain a clean copy of the Resolution and provide it to the Members for signature at the end of the meeting.

The Commission subsequently excused Dr. McGrail and Ms. Castle from the remainder of the meeting.

Chairman Bainbridge proposed skipping ahead in the agenda to Ms. Schank’s presentation on the Statewide Hearing Officer Meeting.

Statewide Hearing Officer Meeting

Chairman Bainbridge indicated that Ms. Schank would now make her presentation regarding the Statewide Hearing Officer Meeting.

Ms. Schank stated that she is proposing the Commission have two medical speakers present at the meeting. Ms. Schank noted that she provided two options in an attached memorandum, as well as some potential medical topics. Ms. Schank noted that the memorandum included possible topics like emergency room trauma, or a pulmonary-cardiology panel discussing the differences in terminology and specific incidents and accident types of claims versus wear-and-tear injuries. Ms. Schank also suggested a discussion about cardiac injuries, including electrocution, stress-induced, and snow shoveling. Ms. Schank also indicated that pulmonary occupational disease versus traumatic incidents could be potential discussion points.

Ms. Schank also mentioned the possibility of having an orthopedic doctor present a discussion of knee replacements, noting that the last speaker on this issue was in 2007. Ms. Schank mentioned that Dr. Anthony Fry in Toledo was recommended, but she has not heard back from his office. Ms. Schank also indicated that, at the last meeting, Commissioner Taylor recommended addressing complex regional pain syndrome and the issue of chronic and long-term care. Ms. Schank stated that, if the Commissioners had specific topics they would like to have addressed, we could move forward on those topics.

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Commissioner Taylor stated that a speaker discussed complex regional pain syndrome at the 2016 meeting and, although the speaker may not have addressed every issue the Commissioners had requested, that presentation was recent. Commissioner Taylor stated she was very interested in knee injuries especially as the topic was last addressed in 2007, approximately twelve years ago. Commissioner Taylor noted that Dr. Frogameni last spoke on that issue and that she had recently heard that Dr. Frogameni has spoken on this issue and that his presentation was very good. Commissioner Taylor noted Dr. Frogameni has also performed surgeries for individuals in the Toledo area. Ms. Schank indicated she was not sure about the physician's availability, but she would be willing to find out.

Commissioner Taylor indicated that it is sometimes nice to look for speakers outside the I-270 belt.

Ms. Schank stated that she had heard about a physician locally who specializes in secondary knee surgery, which requires drilling deeper into the knee. Commissioner Taylor asked the name of the doctor. Ms. Schank could not recall but stated she could look into it.

Ms. Schank also mentioned Dr. Edwards at Ortho One, who primarily addresses issues regarding the knee. Commissioner Taylor stated that she had heard Dr. Edwards was a good speaker. Commissioner Taylor noted that Dr. Edwards works with Dr. Mileti and that Dr. Mileti had been one of the highest rated speakers at the Commission's past meetings.

Commissioner Taylor recommended that the Commissioners look into potentially having Dr. Pete Edwards as a speaker to address the knees, feet, and ankles.

Mr. Connor inquired if the fee for attendance at the Statewide Hearing Officer Meeting was to remain at the previously set amount of \$150.00. Chairman Bainbridge affirmed that the registration fee was to remain at \$150.00.

Ms. Schank stated that she had been speaking with Brian Kelly and that he had indicated that he had sent a memorandum last year stating that the Commission should consider increasing the fee. Commissioner Taylor stated that the Commission could not make money from the registration fee because the Commission is a state agency and state agencies can only seek to break even.

Mr. Connor inquired as to whether the Statewide Hearing Officer Meeting would include the topic of Ethics.

Ms. Schank stated that the Ohio Supreme Court has increased the requirement for professional conduct to 2.5 hours per biennium. Ms. Schank is proposing the ethics presentation for this year be an hour and a half and that the Commission offer an hour of ethics at its meeting next year. Ms. Schank noted that this way it will meet the requirements for those reporting in the biennium. Ms. Schank proposed Megan Snyder, a licensed social worker, to address topics related to substance abuse, depressive disorders, as well as clinical and psychological disorders. Ms. Schank also proposed having a speaker from the Access to Justice and Fairness. Ms. Schank indicated that perhaps a speaker from Legal Aid might not be a likely candidate as the speaker may put more of a focus solely on that agency. Ms. Schank further suggested as a speaker one of the justices from the Ohio Supreme Court. Ms. Schank stated that she was made aware that Justice French is not available but that Justice O'Connor was also involved in the task force and as

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such may be a possible speaker. Ms. Schank also noted that Yvette Brown is the chair of that task force if the Commissioners would like to have a speaker address topics more in that direction.

Commissioner Taylor stated that it would be great if the Commission were able to have Justice Maureen O'Connor as a speaker and, if she is unavailable, then another person who has worked on the task force.

Chairman Bainbridge also suggested Justice Patrick Fisher as a speaker if he is also a member of the task force. Ms. Schank stated that she did not believe that Justice Fisher participated in the task force but that she would look into whether he had.

Commissioner Taylor requested Ms. Schank speak to Megan Snyder to discuss the direction of her presentation so that she addresses the issues the Commission's adjudicators hear and see. Commissioner Taylor stated that the hearing officers make difficult decisions that affect people's lives and that there is resulting strain on the hearing officers, attorneys, and companies that participate in Commission hearings. Commissioner Taylor expressed an interest in hearing Ms. Snyder address learning coping skills, dealing with outside life factors, separating work from family, and how to let the stress go. Commissioner Taylor indicated that people need to know what to do, how to cope, and how to move on. Commissioner Taylor requested that Ms. Schank discuss these matters with Ms. Snyder and let the Commission know the status.

Ms. Schank stated that her one concern was that the Ohio Supreme Court did not approve CLE credits for the outline she sent last year for credit because the speaker indicated that they would be speaking on the topic of dealing with difficult clients and different situations. Commissioner Taylor asked Ms. Schank to speak with the Ohio Supreme Court to determine what would be approved topics. Chairman Bainbridge stated that Commissioner Taylor made good points in her concerns.

Ms. Schank suggested Dr. Terrence Welsh would be a good candidate to speak about the Bureau of Workers' Compensation formulary, Naloxone, Narcan, the rule, and how the Bureau of Workers' Compensation will address that rule.

Commissioner Taylor asked where in the agenda Ms. Schank could fit Dr. Welsh. Ms. Schank indicated that Dr. Welsh would speak after lunch but before the Bureau of Workers' Compensation update. Commissioner Taylor asked Ms. Schank if she had spoken with Dr. Welsh regarding his availability. Ms. Schank indicated she had not yet spoken with him. Commissioner Taylor then inquired how long Dr. Welsh's presentation would be. Mr. Connor stated that he spoke to Dr. Welsh and that his presentation would last approximately 30 minutes.

Ms. Schank stated that she is looking at the possibility of having the Ombudsman as a speaker on day one to be able to address representatives as well as Commission personnel. Chairman Bainbridge asked Ms. Schank if it would be possible to fit the Ombudsman into the schedule on day one. Ms. Schank stated that she could adjust the times on the agenda, if needed. Commissioner Taylor requested that Ms. Schank speak with Dr. Welsh about the time he needed for his presentation before considering when the Ombudsman will speak.

Ms. Schank further stated that she was looking into having a second medical speaker. Chairman Bainbridge asked when the second speaker would be speaking. Ms. Schank indicated that the second medical speaker would speak at 1:30 p.m.

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Memo D5 – Voluntary Abandonment

Chairman Bainbridge stated that he would now like to discuss the issue of voluntary abandonment and then take a vote on the motion following discussion.

Commission Taylor stated she agreed, as there are many different options on the agenda to discuss.

Chairman Bainbridge stated that a tremendous amount of thought had gone into the multiple drafts of Memo D5 of the *Adjudications Before the Ohio Industrial Commission*, and that he preferred Option 2. The Chairman stated that Option 2 seemed to be the most appropriate for the issues that exist. The Chairman noted that option two provides that an injured worker would have to remove him/herself from the workforce versus the former position of employment in order to find a voluntary abandonment. The Chairman pointed out that the Ohio Supreme Court did not overturn *Baker* in *Klein* and that *Baker* discussed the issue of voluntary abandonment of the workforce. Chairman Bainbridge noted the difficulty of weaving an effective policy decision from *Klein* and emphasized that he carefully reviewed the cases the Court overruled in *Klein* against the decisions the Court did not overrule. Chairman Bainbridge stated that option two is the best option to work around the holding in *Klein* as well as address the two cases that the court overruled in that case and the cases that were not overruled.

Commissioner Taylor stated that she had spoken with Mr. Connor regarding the options and she would like to change the word in option two in the 2nd paragraph, from “to” to “from.”

Mr. Connor inquired as to what the test is going to be to provide guidance to the hearing officers and noted that *Baker* mentioned “workforce.” Mr. Connor noted that the last full line of the first paragraph may need to include a period at the end of the sentence after the word “abandonment.”

Chairman Bainbridge noted his concern that the policy may not provide enough guidance to the hearing officers.

Mr. Connor inquired what the test of voluntary abandonment will be under Option 2. He stated his concern that the Commission establish what precludes the payment of temporary total disability compensation. Mr. Connor stated that, if the Commission’s intent were to require that an injured worker who removes himself or herself from the entire workforce is not eligible for temporary total disability compensation, then he would recommend the Commission end the last sentence of the first paragraph in Option 2 at the word “abandonment.”

Chairman Bainbridge stated that Option 2 distinguishes between “leaving the workforce” and “leaving a former position of employment.” Chairman Bainbridge inquired whether the *Durbin* case was the one where the injured worker threatened the employer. Mr. Connor responded no.

Commissioner Taylor stated that the Chairman is saying that, when an injured worker resigns from a former position of employment, the Commission will examine the injured worker’s actions after that separation to determine the injured worker’s intent. If the intent is to abandon the workforce, the Commission will find a voluntary abandonment. If not, then there is no voluntary abandonment. Commissioner Taylor asked Mr. Connor if this clarification addressed his inquiry.

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Chairman Bainbridge stated that he agreed with this clarification.

Commissioner Taylor stated that an injured worker can abandon their former position of employment, but, if they do not abandon the workforce, they would still receive temporary total disability benefits.

Mr. Connor stated he was seeking clarification of the test as to whether an injured worker can leave one job for another job.

Chairman Bainbridge stated an injured worker can leave one job, get another job, and not necessarily voluntarily abandon the workforce.

Mr. Connor inquired whether the test is the entire workforce. Chairman Bainbridge confirmed it is the entire workforce.

Mr. Connor stated that the simple fact that an injured worker voluntarily abandons his or her former position of employment is not enough to find that the injured worker voluntarily abandoned his or her employment.

Commissioner Taylor stated that it is important to note that *Klein* did not overrule the holding in *Louisiana-Pacific*, which held that a violation of a work rule is still a voluntary abandonment.

Mr. Connor stated that, under *Klein*, an individual can voluntarily abandon his or her former position of employment even if disabled but that is not enough. If the injured worker returns to work next Monday, *Klein* would hold that this would be fine. Mr. Connor noted that *McCoy*, *Baker*, and *Durbin*, are all trying to make it clear that the Injured Worker can reestablish eligibility for TTD compensation.

Commissioner Taylor stated that is only if there is evidence that the claimant intends to remain in the workforce.

Mr. Connor stated that he would like to know what the test is.

Commissioner Taylor stated that, in looking at *Klein*, it is clear that one must look at the factors and the intent of the injured worker in determining whether there is a workforce abandonment, and that there is not a clear test stated in the holding in *Klein*.

Mr. Connor stated that he is trying to give consistency and wanted to ensure that a policy gives clear guidance.

Commissioner Taylor stated that abandonment of the workforce, not employment, addresses both and that hearing officers need to look at both. Commissioner Taylor clarified that, if a hearing officer determines an injured worker abandoned their former position of employment and the entire workforce, they should deny temporary total disability compensation. Commissioner Taylor further emphasized that, under *Louisiana-Pacific*, the test is different.

Ms. Rentas-Black stated that, with Option 2, the injured worker would have to leave the entire workforce after resigning from a former position of employment to find a voluntary abandonment. She explained

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that merely quitting one position and getting a new position is not leaving the workforce and that the language being presented is the best way to get there. Ms. Rentas-Black stated that training will be utilized to address more specific examples.

Chairman Bainbridge stated that the Supreme Court issued *Klein* to fill in the gaps with *Louisiana-Pacific*.

Ms. Rentas-Black stated that she thinks the proposed policy clarifies that there is no voluntary abandonment of the workforce if the next day an injured worker goes out and gets a new job or if they are leaving their former position to go work somewhere else.

Commissioner Taylor stated that this is the best interpretation the Commission can make without more guidance from the courts.

Mr. Connor stated he did not think that the policy was going to confuse any less than the decision in *Klein*.

Commissioner Taylor stated that this is a two-step process. The first is whether the injured worker is leaving the former position of employment and the second is whether the injured worker voluntarily abandoned the workforce. Commissioner Taylor stated that we don't want to say that the hearing officer needs to address both, if *Louisiana-Pacific* would be applicable, and that we would say "injured worker" in this instance instead of "claimant." Ms. Taylor noted that the term "claimant" is used when the claim is not allowed and "injured worker" is used when the claim is allowed, like when they are before the Commission for temporary total disability compensation.

In terms of training, Ms. Rentas-Black stated that we will explain to hearing officers that all relevant circumstances existing at the time of the alleged abandonment will be considered. Ms. Rentas-Black stated that we can use specific examples to train the hearing officers on the policy.

Mr. Connor stated that, in *Reynolds*, the Court cited to *Baker* regarding permanent forfeiture for those who desire to have a voluntary departure of the entire workforce.

Commissioner Taylor stated that she would like to cite *Reynolds* in the Note in Memo D5.

Chairman Bainbridge stated he would like to cite *Baker*.

Commissioner Taylor stated that *Reynolds* would be a good one and *Baker* is already in there.

Chairman Bainbridge asked if Commissioner Gillmor had some thoughts on the issue.

Commissioner Gillmor stated that she will vote "no," because she believes *Klein* addressed abandonment of the former position of employment, not workforce abandonment. With regard to the Chairman's *Baker* reference, in *Baker*, the Supreme Court held that when a claimant who is medically released to return to work following an industrial injury leaves his or her former position of employment to accept another position of employment, the claimant is eligible to receive temporary total disability compensation should he or she re-aggravate the original industrial injury while working at the new job. Commissioner Gillmor

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stated that *Klein* does not take away the ability of a claimant to reestablish eligibility for temporary total disability compensation if he or she obtains a new job and the industrial injury prevents the claimant from performing that new job.

Commissioner Taylor asked Chairman Bainbridge where he would like the language in the policy. Commissioner Taylor asked whether it should be section three or put another bullet point in the policy.

Commissioner Taylor further stated that she was not voting for the “waiver” clause in one of the versions. Commissioner Taylor stated that there is no indication that we have to address it and stated that she thinks that either the hearing officers or the parties can address it. Chairman Bainbridge stated that he agreed and that he was not going to support using the “waiver” clause as submitted in one of the drafts.

MOTION

Chairman Bainbridge moved that Memo D5 of the *Adjudications Before the Ohio Industrial Commission* be approved as discussed at the meeting and be effective April 10, 2019.

Commissioner Taylor seconded the motion.

ACTION BY

Mr. Adams called the roll

ROLL CALL

Commissioner Gillmor	No
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

Permanent Total Disability - Objection to Tentative Order

Chairman Bainbridge stated that the next issue for discussion was the policy regarding objections to permanent total disability tentative orders. Chairman Bainbridge asked if Mr. Connor would like to lead the discussion.

Mr. Connor stated that there are concerns about how objections are processed, noting that some hearing officers refer the matter back to be set on a docket on the IC-2 Application, while others adjudicate the objections that are based on a legal reason or affirmative defense. Mr. Connor further reported that Ms. Rentas-Black and he met with the Rules Advisory Group eighteen months ago and the group came to a consensus that, if an objecting party provided a legal basis for the objection, then the hearing officer could adjudicate that objection without sending the claim back for additional processing and a full merit hearing. Mr. Connor noted that some of the members of the Rules Advisory Group withdrew from the agreement, emphasizing that there was a concern about divulging the reason for the objection prior to hearing. Mr. Connor explained that, if all the medical evidence supports a finding of permanent total disability, the purpose of the tentative order is to award compensation to those injured workers quickly. Mr. Connor suggested that, if a party objects to the tentative order, the hearing on that objection should be limited to the appropriateness of the tentative order. If that hearing reveals that the Commission missed a relevant medical report or there is a colorable argument on a legal basis, then the Commission should

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refer that claim back to be processed under the rule so that everyone has a chance to submit vocational evidence.

Chairman Bainbridge stated that the current process is not working. Chairman Bainbridge stated that, when hearing an objection from a tentative order, some hearing officers hear the issue of permanent total disability on the merits and some pass on addressing the merits. Chairman Bainbridge indicated that he wants consistency in this process.

Mr. Connor stated that we could train on this matter so that everyone knows what is going to happen. Mr. Connor stated that the hearing officers are determining whether there is any basis for the objection. If the hearing officer finds no basis for the objection, then the tentative order should be affirmed, but some hearing officers get to the merits anyway because the notice states that the issue to be heard is the application for compensation for permanent total disability.

Commissioner Taylor stated that the notice of hearing should be objections to the tentative order, not the issue of permanent total disability. Commissioner Taylor stated that, if there is an objection to the permanent total disability tentative order, then the hearing officer should not hear the issue of permanent total disability on the merits, just the issue of whether the permanent total disability tentative order was appropriate. Commissioner Taylor stated that the hearing officers should limit the hearing to the alleged defense to the tentative order and should not delve into the *Stephenson* factors or anything like that—just the appropriateness of the tentative order. Commissioner Taylor stated that, if the defense is not colorable, then the hearing officer should affirm the tentative order.

Chairman Bainbridge stated that it needs to be clear to the hearing officers that it is not a hearing on the merits of the Application for Compensation for Permanent Total Disability.

Commissioner Taylor stated that she spoke with Mr. Connor about this issue and she agrees that the issue noticed for hearing should be the objection to the tentative order. Commissioner Taylor indicated that her concern with the agency's current policy is that the parties and hearing officers do not know what the process is for permanent total disability tentative orders because our policy is silent and we do not have it in the permanent total disability rule.

Mr. Connor stated that the hearing officers should not address the merits, just the appropriateness of the tentative order.

Commissioner Taylor stated that it should be made clear to the hearing officers and outside parties that this hearing is not a hearing on the merits but only a hearing to determine whether there is a viable colorable argument to defeat permanent total disability.

Ms. Rentas-Black stated that the following could be said in the last sentence of the proposed draft: "The Staff Hearing Officer shall affirm the tentative order without further consideration."

Chairman Bainbridge stated that he would like to make it clear to the hearing officers that if they determine that there is no colorable defense to the tentative order, they are not to address the merits of permanent total disability.

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Commissioner Taylor stated that the suggested language is enough to make it clear.

Mr. Connor stated that the order should indicate that it does or does not fit the criteria.

Mr. Connor stated that in looking at the proposed draft policy regarding objections, we should remove the term “medically” and leave “obvious.”

Commissioner Taylor stated that the “Objections” portion of Mr. Connor’s draft should be included.

Ms. Rentas-Black suggested that the Commission not vote on the proposed amendment of Ohio Adm.Code 4121-3-34 today to allow her time to tweak the draft to comport with the discussions regarding the tentative order policy. Ms. Rentas-Black stated she would work on the draft rule and put it on the next meeting agenda. After that, Ms. Rentas-Black will original file the rule with the Joint Committee on Agency Rule Review and put the public on notice that the Commission is proposing to amend the permanent total disability rule.

Commissioner Taylor directed Ms. Schank and Mr. Connor to make sure that these changes to the tentative order policy are included in the regional training.

Ms. Rentas-Black stated that there is training this week in Akron and Cleveland and that we can send the policy to Toledo since we have already completed that region’s training.

MOTION

Chairman Bainbridge moved that the Commission amend Memo G3 of the *Adjudications Before the Ohio Industrial Commission* as discussed today with an effective date of April 10, 2019.

Commissioner Taylor seconded the motion.

Commissioner Gillmor stated that she is voting yes and would like to make a comment to Commissioner Taylor that the compromise on the tentative order policy is a good one.

ACTION BY

Mr. Adams called the roll.

ROLL CALL

Commissioner Gillmor	Yes
Commissioner Taylor	Yes
Chairman Bainbridge	Yes

ADJOURNMENT

MOTION

Chairman Bainbridge moved that the meeting be adjourned and that the next meeting be set once Ms. Rentas-Rentas-Black is done with the drafting of the amendments to the permanent total disability rule.

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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

