



Public participation in BWC rule making

BWC provides a variety of opportunities for interested parties to participate in the rule-making process. This includes providing input and comments on rules before they are finalized.



BWC and the [Ohio Industrial Commission \(IC\)](#) make up the Ohio workers' compensation system, a customer-focused insurance system for employers and workers. BWC provides workers with compensation for work-related injuries, diseases, and deaths. It provides workers' compensation insurance to about two-thirds of Ohio's workforce. The remaining workers receive coverage through their employer's self-insurance program.

While BWC is the system's insurance arm, the IC is the claims adjudicative arm. The IC hears and decides all contested claims and determines permanent total disability.

A governor-appointed administrator and an 11-member [Ohio Bureau of Workers' Compensation Board of Directors](#) manage BWC and discharge all administrative duties the [Ohio Revised Code \(ORC\)](#) requires. In addition, the administrator prepares and submits to the board rules for BWC's operations.

In addition to its ORC-specific duties regarding rules, the board advises and consents on rules the administrator submits for:

- The classification of occupations or industries
- Premium rates and contributions

- The amounts to be credited to the surplus fund
- Rules and systems of rating, rate revisions, merit rating
- Overall BWC policy

Rule-making procedure and opportunities for public participation

The ORC contains the primary law on the operation of the workers' compensation system. In certain workers' compensation statutes, the legislature has granted BWC the power to adopt and enforce rules that serve to complement, clarify, and develop the statutory provisions. All agency rules are part of the [Ohio Administrative Code \(OAC\)](#).

BWC files rules under ORC Chapter 119. with four state agencies:

- The Common Sense Initiative Office (CSI);
- The Joint Committee on Agency Rule Review (JCARR);
- The Legislative Service Commission;
- The Secretary of State.

The CSI Office has a minimum of 16 business days to review BWC rules. However, the review can take as long as the CSI Office deems necessary. Once BWC receives the CSI recommendation, it files the rule with the remaining three offices. Once filed, BWC's Legal Division conducts a public hearing no sooner than 31 days and no later than 40 days from the rule filing date. BWC publishes a hearing notice in the Register of Ohio (www.registerofohio.state.oh.us). JCARR, a legislative committee, conducts a rule review with the authority to reject rules that do not meet statutory requirements

Opportunities for public participation in the rule-making process include:

- BWC generally invites interested parties to provide input on rules as they are drafted and prior to their presentation to its Board of Directors.
- BWC presents the rules to its Board of Directors for advice and consent. Generally, the board will review a rule at a committee meeting and vote on the rule at the board meeting the following month, giving the public an opportunity to comment on the rule to BWC or the board.
- BWC files rules with the CSI Office prior to formal filing. Persons affected by a rule can sign up to receive notification of reviews and may comment on the adverse business impact of a rule to the CSI Office.
- BWC conducts a public hearing for each proposed rule action. The public is invited to provide testimony, either written or verbal. BWC takes this testimony into consideration when deciding whether to adopt or amend a rule.
- JCARR conducts a public hearing after the BWC public hearing.

BWC has the authority to adopt many rules without the standard approval process. It files these rules under Section 111.15. These rules are exempt from JCARR's jurisdiction and the public hearing process.



If you have questions about public participation in BWC rule making, log on to bwc.ohio.gov, or call **1-800-644-6292**.