

# Ohio Legislative Service Commission

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## Comparison Document Base

House Bill 81 & 80—136th General Assembly

Budget Bills for the  
Bureau of Workers' Compensation and  
Ohio Industrial Commission  
(FY 2026-FY 2027)

As Introduced

February 26, 2025

## Executive

**BWCCD8 Public health care workers and exposure incidents****R.C. 4121.12, Repealed: 4167.25, 4167.27, 4167.28**

Eliminates requirements under the Public Employment Risk Reduction Program (PERRP) for public employers that employ public health care workers regarding the use of needle-less systems and other safe needle devices to reduce exposure incidents that risk spreading bloodborne pathogens that are in compliance with the U.S. Occupational Safety and Health Administration's bloodborne pathogen standards.

Eliminates the requirement that the BWC Administrator adopt a rule and Ohio employment risk reduction standard to prevent exposure incidents.

**Fiscal effect: None. Removes a duplicate standard.****BWCCD10 Bureau of Workers' Compensation Board of Directors****R.C. 4121.12, 4121.121, 4123.44**

Eliminates the requirement that the BWC Board of Directors meet annually with the Governor to discuss the BWC Administrator's performance of duties. Requires forfeiture of a Board member's position for missing nine or more Board meetings in a 12-month period.

Eliminates the BWC Administrator's duty to submit BWC's annual internal operating budget to the Board for approval.

Specifies that the Board, the BWC Administrator, and the BWC Chief Investment Officer are fiduciaries, and not trustees of the State Insurance Fund.

**Fiscal effect: None.****BWCCD9 Safety and hygiene museums****R.C. 4121.13**

Eliminates the requirement for the BWC Administrator to establish safety and hygiene museums.

**Fiscal effect: None.****BWCCD11 Prosthetic devices****R.C. 4123.52, 4123.57, Section 7**

Allows, for claims pending or arising on or after the provision's effective date and regardless of the date of injury or the last payment of compensation or benefits in a claim, the OIC or the BWC Administrator to order a payment to purchase, repair, or replace a claimant's prosthetic device if necessary due to an amputation or loss resulting from an allowed injury or occupational disease.

Specifies that the order does not extend the time period during which OIC or the BWC Administrator may modify or change a former finding or order in a claim.

Requires, for claims arising on or after the bill's effective date, a payment to purchase, repair, or replace a claimant's prosthetic device to be charged against the surplus fund account created under continuing law if the claimant's injury or occupational disease caused a loss enumerated in a list of scheduled losses in continuing law, even if a payment for the loss itself has not yet been ordered.

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**Executive**

Defines "prosthetic device" as a custom fabricated or fitted device used to replace a missing appendage or other external body part, including an artificial limb, hand, foot, or eye or intraocular lens, but excluding a dental appliance, eyeglasses, hearing aid, ostomy product, cosmetic device, or any other device that does not have a significant impact on the musculoskeletal functions of the body.

**Fiscal effect: Potential increase in costs to the surplus fund account, likely about \$100,000 per year.**

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**BWCCD14 Rebuttable presumption of intoxication**

R.C. 4123.54

Updates a cross reference to federal regulations containing cutoff concentration levels for specific substances the presence of which create a rebuttable presumption that a claimant's injury or occupational disease was caused by the claimant's intoxication.

**Fiscal effect: None.**

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**BWCCD12 Reimbursements to certain secondary payers**

R.C. 4123.66

Requires, for the BWC Administrator, under continuing law, to reimburse up to \$500 the Centers of Medicare and Medicaid Services, ODM, or a medical assistance provider to whom ODM has assigned a right of recovery, both of the following to occur: (1) the party seeking reimbursement requests the payment; and (2) the reimbursement resolves the request.

**Fiscal effect: May result in a decrease in benefits paid from the State Insurance Fund.**

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**BWCCD6 PEO and AEO reporting requirements**

R.C. 4125.07, 4133.10

Removes a requirement, after a self-insuring professional employer organization (PEO) or self-insuring alternative employer organization (AEO) terminates a workers' compensation lease with its former client employer, that a PEO or AEO submit payroll and claim information to the BWC Administrator for developing a state fund experience modification factor for each client employer involved in the lease termination.

Eliminates the BWC Administrator's authority to require a PEO or AEO to submit payroll and claim information at additional times after the initial submission if the BWC Administrator determines additional submissions are necessary.

Eliminates the BWC Administrator's authority to revoke or refuse to renew a PEO's or AEO's status as a self-insuring employer for failing to submit required information.

Removes a requirement that a PEO or AEO disclose the eliminated reporting requirements in writing to a client employer before entering into a PEO or AEO agreement with the client employer.

**Fiscal effect: None.**

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## Executive

**BWCCD13 Public Employment Risk Reduction Program (PERRRP)**

R.C. 4167.01

Exempts any person incarcerated in an alternative residential facility, a community-based correctional facility, a jail, a halfway house, or a prison from being considered a public employee for purposes of PERRP.

**Fiscal effect: Decreases BWC Division of Safety and Hygiene's workload as incarcerated individuals would not be able to file a complaint under PERRP. Under current law, public employees may file a complaint with PERRP to request an inspection if they surmise that an unsafe condition presents in their workplace.**

**BWCCD7 Public Employment Risk Reduction Program inspections**

R.C. 4167.10

Eliminates the word "scheduled" to describe workplace inspections and investigations that the BWC Administrator must conduct under PERRP.

**Fiscal effect: None.**

**BWCCD15 Prison Industries Enhancement Certification Program**

R.C. 5145.163

Uses the term "incarcerated worker," rather than "inmate" as under current law, to refer to a person who is committed to the custody of DRC and who is participating in an Ohio Penal Industries Program that is under the federal Prison Industries Enhancement Certification Program (PIECP).

Eliminates the requirement that a private party who wishes to participate in an employer model enterprise under the PIECP provide proof of workers' compensation coverage furnished by BWC.

Requires an incarcerated worker, regardless of whether the worker works in a customer model enterprise or an employer model enterprise, to be treated as an employee of DRC for purposes of workers' compensation coverage, instead of allowing DRC to choose to treat an incarcerated worker in a customer model enterprise under the PIECP as DRC's employee for purposes of workers' compensation coverage.

Requires an incarcerated worker or dependent to request DRC to file a claim with BWC.

Requires, on release from custody, that all claim costs other than those paid by DRC while the incarcerated worker was in custody, be paid by DRC in accordance with the Workers' Compensation Law.

**Fiscal effect: Potential increase in DRC's administrative and workers' compensation premium costs.**

**BWCCD1 Workers' Compensation Fraud Unit**

Section: 5

Earmarks \$869,610 in FY 2026 and \$900,046 in FY 2027 from Fund 7023 ALI 855410, Attorney General Payments, for the expenses of the Workers' Compensation Fraud Unit within the Attorney General's Office. Requires the payments be processed at the beginning of each quarter of each fiscal year and deposited into the Workers' Compensation Section Fund (Fund 1950) used by the Attorney General.

**Executive**

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**BWCCD2 Safety and hygiene****Section: 5**

Requires the Treasurer of State (TOS) to remit up to \$73,721,244 cash in FY 2026 and up to \$75,531,721 cash in FY 2027 from the State Insurance Fund to the Safety and Hygiene Fund (Fund 8260) in the state treasury to be used to fund ALIs 855609 for a Safety and Hygiene program, 855610 for Safety Grants, 855611 for a Health and Wellness Program, 855612 for a statewide safety awareness and education campaign, and 855619 for a workforce safety innovation center program.

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**BWCCD3 Federal grant programs****Section: 5**

Permits Fund 8260 ALI 855609, Safety and Hygiene Operating, to be used to provide the state match for federal grant funding received by the Division of Safety and Hygiene.

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**BWCCD4 Vocational rehabilitation****Section: 5**

Permits BWC and OOD to enter into an interagency agreement for the provision of vocational rehabilitation services and staff to mutually eligible clients. Permits BWC to provide funds from the State Insurance Fund to pay for vocational rehabilitation services and staff in accordance with the interagency agreement.

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**BWCCD5 Deputy Inspector General for BWC and OIC funding****Section: 6**

Requires the OBM Director to transfer \$212,500 cash every six months during the FY 2026-FY 2027 biennium from the Workers' Compensation Fund (Fund 7023) to the Deputy Inspector General for the Bureau of Workers' Compensation and Industrial Commission Fund (Fund 5FT0) for the costs related to the Deputy Inspector General for the Bureau of Workers' Compensation and Ohio Industrial Commission.

Allows the Inspector General to seek Controlling Board approval for additional transfers of cash if additional amounts are needed and to increase ALI 965604, Deputy Inspector General for the Bureau of Workers' Compensation and Ohio Industrial Commission.

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**Executive**

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**OICCD1 Rent for William Green Building**

**Section: 2**

Requires that Fund 5W30 ALI 845402, Rent – William Green Building, be used for rent and operating expenses for the space occupied by the Industrial Commission in the William Green Building.

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