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The Ohio BWC Budget Bill Amends Several Key Workers' Compensation Provisions for Ohio Employers

On June 30, 2017, Ohio Governor John Kasich signed into law Substitute House Bill (HB 27), the BWC Budget Bill. This Bill amended several key provisions of Ohio's workers' compensation statute. The effective date for the amendments is September 29, 2017.

Below are the more significant changes to the following provisions of the Ohio Revised Code (ORC).

- Decreases the time for filing an injury claim from two years to one year (ORC 4123.84).
- Revises the drug-testing standards for rebuttable presumption (ORC 4123.54).
- Permits working wage loss for firefighter cancers (ORC 4123.68).
- Prohibits payment of compensation or benefits to an incarcerated dependent (ORC 4123.54).
- Authorizes BWC to waive the temporary total 90-day examination (ORC 4123.53).
- Permits BWC to set the full weekly wage at the statewide minimum where there is not enough information to set the wage (ORC 4123.56).
- Permits BWC to dismiss a C-92 application if an injured worker fails to schedule or attend a medical examination, and allows BWC to dismiss currently suspended applications with notice to the injured worker (ORC 4123.57; Sections 741.10 and 741.30).
- Extends the time to appeal an Ohio Industrial Commission order to the court from 60 days to 150 days if a party provides a notice of intent to settle the claim (ORC 4123.512).
- Includes a settlement as a reducible cost for a handicap reimbursement (ORC 4123.343).

- Allows BWC to pay Medicare claims up to \$500 after a reasonable determination that the claim is likely to be payable (ORC 4123.66).
- Raises the maximum attorney fee for a successful court appeal to \$5,000 from \$4,200 (ORC 4123.512).

These amendments involve not only substantive changes to the time frame for filing a claim or a court action but also the handling of BWC 90-day examinations and C-92 Applications. With these new changes, the BWC is working on rules and policies to implement the amendments. For instance, HB 27 offers some guidance addressing the application of some amendments. Some examples include:

- Section 741.10 deals with the C-92 dismissal process and states the amendment to ORC 4123.57 applies to any application filed on or after the effective date of the Act, regardless of the date of injury of the claim.
- Section 741.20 deals with changes to the settlement process, the change from two years to one year to file a claim, the prohibition on paying an incarcerated dependent, and changes on the presumption for firefighter cancer claims. These provisions apply to claims with a date of injury on after Sept. 29, 2017.
- Section 741.30 deals with the backlog of C-92 applications. This process begins Sept. 29, 2017, but applies to the backlog claims.

Going forward, Ohio employers will need to be aware whether the workers' compensation claim is governed by the new amendments effective on or after September 29, 2017, or whether the former Rules apply.

If you have any questions about the new amendments, please contact [Julie Bruns](#), [Joanne Glass](#), or [Noel Shepard](#).

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