

# Risky Business

## New! Workplace Wellness Grant

The BWC Board of Directors approved a Workplace Wellness grant that will make \$4 million available to employers that create programs to assist employees with chronic disease and obesity.

Participating employers may receive up to \$15,000 over four years to implement wellness programs in their organizations. The grants are subject to availability and will be awarded on a first come, first serve basis.

Detailed information and grant applications are available on the [Ohio BWC website](#).



**V&A RISK SERVICES**

Workers' Compensation Services

Tradition Square  
2730 Centennial Rd.  
Toledo, OH 43617  
419.867.1044

## *BWC Board Approves New Rating Program*

In December, the BWC Board of Directors approved a new rating program that will be made available to employers in July, 2012. **Destination: Excellence** is a cafeteria style program designed to give employers the ability to choose the components that will work with their organization. The program incorporates already existing programs, adds a new grant and incentives and makes some changes to a few rating plans. The components of the new **Destination: Excellence** program:

**Drug Free Safety Program** – Expands eligibility to include employers participating in the \$15k medical only program and salary continuation. Group rated employers will be able to participate in both levels at the same discount as non group rated employers (Basic, 4% and Advanced, 7%).

**Transitional Work Grant and Performance Bonus** – Grants will be made available to employers that develop a transitional work program. Employers could also receive a 10% performance bonus by meeting their organization's individual goals, with an approved program. Employers that received a grant prior to July 1, 2012 are not eligible for a grant however can receive the performance bonus, with an approved program.

**Industry Specific Safety Program** - A new program that will require employers to complete a safety risk assessment and provide the BWC with safety data in exchange for a 3% discount. Employers may be required to complete industry specific training, onsite safety consultation with the Safety and Hygiene division of the BWC or attend the annual BWC Safety Congress.

**Safety Council Discount** – Employers receive a 2% rebate for participation in their local safety council and an additional 2% if the employer meets their severity and frequency goals. Group Rated Employers are not eligible for the participation bonus but are eligible for the performance bonus. Visit the [Ohio BWC website](#) to find the safety council near you.

**Go Green and Lapse Free Discounts** – Employers will receive a 1% discount if they choose to pay their premium online or have not had a lapse in coverage in five years. Each allows up to a \$1,000 discount per six month payment period.

## **Ratings Program Changes**

**100% EM CAP** – Expanded eligibility to include credit rated employers with an experience modifier increase of 100% or more from one policy year to the next. Eliminates the 10 Step Business Plan but employers will be required to complete industry specific half day training during the first year and online training thereafter.

**Small Deductible Program** (deductible levels \$500 - \$10,000) Changes include eliminating deductible payments made by the employer from the employer's experience, reducing the amount of claims loss on an employer's experience and reducing the employer's premium. No longer compatible with group rating.

**One Claim Program** – Changes will reduce the participation discounts from 40% for all four years to 20% in year one, 15% in year two, 10% in year three and 5% in the fourth year.



### *Important Dates*

**February 28**

Workers' Compensation  
Premium payment due

**February 28**

Unemployment tax  
contribution due

March 27-29

[Ohio Safety Congress,  
Columbus](#)

**March 30**

Applications for One  
Claim Program due

**April 27**

Application for Drug  
Free Workplace (July  
start date) due



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### *New Measures to Monitor Medication Use for Injured Workers*

The Ohio BWC announced new measures to improve the safety of medication prescribed to injured workers in Ohio. The new program is designed to limit the practice of doctor and pharmacy shopping.

Under certain circumstances, the injured worker would be required to choose a pharmacy from a BWC approved list. The injured worker would only be allowed to use that location for non emergent prescriptions. In the event that an injured worker has been convicted of a drug offense, the BWC can also restrict the injured worker to the use of one prescribing physician for non emergent prescriptions, also selected by the injured worker from a BWC approved list of providers.

The BWC also implemented the first ever outpatient prescription drug formulary in September which allows for a thorough clinical review of each new medication, better monitoring and control of inappropriate use. The BWC projects that the formulary will save about \$15 million in 2012.

The BWC now requires generic medications, when available, with physician approval and has established a Pharmacy and Therapeutics Committee which is made up of practicing pharmacists and physicians advising the BWC leadership on issues related to the use of medications used to treat injured workers.

### *Ohio Supreme Court Upholds Statute of Limitations for Statutory Subrogees*

In a recent opinion, the Ohio Supreme Court has confirmed that the statute of limitations for a statutory subrogee is six years.

The Ohio Revised Code 4123.931 creates a right of recovery for the Ohio BWC or a self insured employer against a third party however did not specifically state a statute of limitations for an action to be brought. In Ohio BWC v McKinley, the court rejected the contention that the Bureau's right to recovery was derivative of the injured worker's right and governed by the normal two year statute of limitations. The opinion finds that the statute allowed for an "independent right of recovery" for the statutory subrogee.

The decision makes clear that the statutory subrogee may bring an independent action to recover their workers compensation costs from the injured worker and the third party, if they are omitted from the settlement agreement or a jury award.