

Risky Business

Ohio Supreme Court Clarifies Compensability of Psychological Conditions

In This Issue

- ❖ **Ohio Supreme Court Clarifies Compensability of Psychological Conditions**
- ❖ **Safety Council Rebate Applications due July 1**
- ❖ **Important Dates**
- ❖ **Checks are on the Way!**
- ❖ **Safety Grant Changes**

In a ruling recently issued by the Ohio Supreme Court, the court limited the scope of psychological conditions that are compensable within a workers' compensation claim. The case involved a 2009 accident in which another vehicle crashed into the back of a stopped dump truck operated by Shaun Armstrong. While being treated for his injuries, Mr. Armstrong was distressed to learn that the other driver had died as a result of the accident. Mr. Armstrong's claim was allowed for physical injuries and he subsequently requested an additional allowance for Post Traumatic Stress Disorder. The additional allowance was initially allowed however the employer appealed to the Industrial Commission of Ohio which refused the appeal. The employer then appealed to the Court of Common Pleas in Clark County. The trial court held that the PTSD was not compensable because it did not arise from his physical injuries. The Second District Court of Appeals affirmed the trial court decision. Mr. Armstrong requested and was granted Supreme Court review of the decision. From the Ohio Supreme Court decision:

“Pursuant to the plain language of R.C. 4123.01(C)(1), a claimant must sustain physical injury or occupational disease as a prerequisite to recovering workers' compensation benefits for a mental condition. A psychiatric condition is not a workers' compensation injury except when the condition has 'arisen from an injury or occupational disease sustained by that claimant.’”



Safety Council Rebate Applications Due July 31

Employers not in a group rating program can earn a 2 percent rebate for meeting all of the eligibility requirements and an additional 2 percent performance bonus for reducing either frequency or severity of injuries by 10 percent or a maintenance at zero. A Group Experience Rating employer is eligible only for a 2 percent performance bonus rebate. Employers participating in the Group Retrospective Rating program are eligible for the 2 percent participation rebate only. Employers must apply annually for this program. To be eligible for the rebate, a representative(s) from your company must attend 10 sponsored events annually.

There are over [80 BWC sponsored safety councils](#) across the state and employers should call their local chapter to submit an application by July 31. For more information, please visit the [Ohio BWC website](#).



V&A RISK SERVICES

Workers' Compensation Services

Tradition Square
2730 Centennial Rd.
Toledo, OH 43617
419.867.1044

Important Dates

July 1

Policy Year Begins

July 31

Deadline to enroll in the Safety Council Rebate Program

July 31

DFSP Accident Analysis Training due

August 31

BWC Premium payments for private employers due

Self Insured assessment payment due (second half)

September 1

Public employer 55 percent BWC premium due



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Checks are on the way!

Dividend checks from Governor Kasich's \$1 Billion Back initiative have been mailed for most employers. Employers that were in the Group Retrospective Rating program in 2011 will start to receive checks this fall, after the BWC has completed the June 30th adjustment.

Employers with outstanding balances will have their rebates credited to their account.



The dividend checks were made possible because of larger than expected returns on the state investment fund.

210,000 businesses, local governments and schools will receive the one time dividend.

Safety Grant Changes

Beginning July 1, 2013, the BWC has expanded the Safety Grant Program to better support employers. A part of the \$1 Billion Back initiative, the Safety Grant changes include tripling the amount of money available from \$5 million to \$15 million and increasing the maximum award. For employers, this means that the BWC will match every one employer dollar with three dollars from the BWC. Employers that have participated in this program in the past are eligible for additional awards up to the maximum allowed amount of \$40,000 by the program. The BWC also restored some safety interventions that were not previously reimbursable.

Safety Grants are available to any Ohio state fund private or public employer that wishes to purchase equipment to reduce or eliminate the risk of an injury for a particular task or operation. To participate, employers must be in the state fund, maintain active coverage and be current on all monies owed. The employer must also demonstrate need for a safety intervention.

Drug Free Safety Program (DFSP) safety grants are available for the July 1, 2013 program year and no changes have been made to the reimbursements.