

4123-17-71 **One claim program.**

(A) Definitions.

As used in this rule:

- (1) "One claim program" or "OCP" means the bureau's voluntary rate program which offers a private, state fund employer or a public employer taxing district employer the opportunity to mitigate the impact of a significant claim that will enter the employer's experience for the first time.
- (2) "Program eligibility period" means the four or five policy years in which an employer has a significant claim in its experience period.
- (3) "Significant claim" means a claim whose total value or maximum claim value, whichever is lower, will be greater than the employer's total limited losses (TLL) as defined in rule 4123-17-03 of the Administrative Code.

(B) Application and withdrawal processes.

An employer's participation in the OCP is voluntary. The employer shall apply to participate in the OCP for each year of the program eligibility period. The bureau shall have the final authority to approve an eligible employer for initial and continued participation in the OCP.

- (1) An employer may withdraw from the OCP under this rule at any time. An employer that withdraws from the OCP after receiving a discount will return to its own individual experience rating for that ~~payroll period~~ policy year.
- (2) If the employer withdraws from the OCP and has any remaining years in the program eligibility period, the employer may reapply for the OCP and designate the same significant claim as its one claim.

(C) Eligibility requirements.

At the time of an employer's initial application for the OCP, the employer must be enrolled in the group experience rating program. At the time of initial application and each renewal application, the employer shall meet the following program requirements:

- (1) The employer must be current with respect to all payments due the bureau, as defined in paragraph ~~(A)(3)~~ (A)(1)(b) of rule 4123-17-14 of the Administrative Code.

- (2) The employer must be current on the payment schedule of any part-pay agreement into which it has entered for payment of premiums or assessment obligations.
- (3) ~~The~~ Except as provided for in paragraphs (C)(3)(a) and (C)(3)(b) of this rule, the employer ~~shall~~ must not have cumulative lapses in workers' compensation coverage in excess of forty days within the prior twelve months.
 - (a) For the policy year commencing July 1, 2015, private employers must not have cumulative lapses in workers' compensation coverage in excess of forty days within the preceding nine months.
 - (b) For policy year commencing January 1, 2016, public employer taxing districts must not have cumulative lapses in workers' compensation coverage in excess of forty days within the preceding nine months.
- (4) The employer must report actual payroll for the preceding policy year and pay any premium due upon reconciliation of estimated premium and actual premium for that policy year no later than the date set forth in rule 4123-17-14 of the Administrative Code. An employer will be deemed to have met this requirement if the bureau receives the payroll report and the employer pays premium associated with such report before the expiration of any grace period established by the administrator pursuant to paragraph (B) of rule 4123-17-16 of the Administrative Code.

(D) General program requirements.

- (1) In signing the application form, the chief executive officer or designated management representative of the employer is certifying to the bureau that the employer will comply with all program requirements.
- (2) An employer may have a maximum of three medical-only claims at any time in addition to the one significant claim.
 - (a) As a medical - only claim exits the employer's experience period, the employer may include a new medical - only claim.
 - (b) The total combined costs of these claims must be below the employer's TLL.
- (3) An employer may participate in the OCP on no more than one significant claim ~~every four years~~ within the program eligibility period from the date of the

employer's initial participation in the program.

- (4) Once a claim has been designated as the significant claim in initial enrollment for a program eligibility period, an employer is not permitted to change the claim designated as the significant claim.
- (5) Settled and subrogated claims will be included in the employer's total claim count.
- (6) In the first year of the program eligibility period, the employer shall participate in an industry-specific half-day safety program prescribed by the division of safety and hygiene. In subsequent years of the program eligibility period in which the employer elects to participate in the OCP, the employer shall complete an online training class prescribed by the division of safety and hygiene.

(E) Program benefits.

- ~~(1) For employers participating in the OCP prior to July 1, 2012, the bureau will credit an employer that meets all the criteria with a forty per cent discount from the employer's base rate in each year of the program eligibility period.~~
- ~~(2)~~(1) For employers whose first year of the program eligibility period is the policy year commencing July 1, 2012 or thereafter, ~~the~~The bureau will credit an employer that meets all the criteria with a discount from the employer's base rate as follows:
 - (a) In the first year of the program eligibility period, twenty per cent;
 - (b) In the second year of the program eligibility period, fifteen per cent;
 - (c) In the third year of the program eligibility period, ten per cent;
 - (d) In the fourth year of the program eligibility period, five per cent: and
 - (e) In the fifth year of the program eligibility period, five per cent.
- ~~(3)~~(2) If an employer participating in OCP would have a lower experience modifier (EM) under the EM cap set forth in rule 4123-17-03.2 of the Administrative Code, the bureau shall apply the EM cap instead of the OCP discount.

(F) Removal from program.

If the employer fails to meet the eligibility or general requirements of paragraph (C) or (D) of this rule, the bureau will remove an employer from participation in the OCP at the beginning of the next policy year and, upon removal, will return the employer to its individual experience modifier.

- (G) An employer may appeal the bureau's application rejection or the bureau's participation removal in the OCP to the bureau's adjudicating committee pursuant to section 4123.291 of the Revised Code and rule 4123-14-06 of the Administrative Code.

Effective: 09/04/2014

CERTIFIED ELECTRONICALLY

Certification

08/25/2014

Date

Promulgated Under: 111.15
Statutory Authority: 4121.12, 4121.121
Rule Amplifies: 4123.29, 4123.34
Prior Effective Dates: 1/1/05, 2/12/09, 1/1/10, 11/15/10, 7/1/12, 9/27/13