

SB 27 — Michael Louis Palumbo, Jr. Act Report

Workers' Compensation Presumed Cancer Claims for Firefighters

This report is submitted in compliance with the requirements of SB 27, under the 131st General Assembly, effective April 6, 2017, which created a presumption that firefighters diagnosed with cancer contracted the disease in the course of and arising out of their employment as firefighters.

The law requires the Ohio Bureau of Workers' Compensation Administrator to prepare a report every two years regarding claims arising from the presumption created by the act. The report is to include the number of approved and disapproved claims, the number of active claims and the costs related to these claims. This information is supplied in the chart below, with additional explanation as follows.

As of March 31, 2019, 115 individual firefighters have filed a total of 124 claims. A firefighter may file multiple claims if that firefighter has multiple diagnoses or has worked for several employers. BWC found the presumption was met in 87 claims and not met in 37 claims.

4/6/2017 to 3/31/2019

Approved claims

Firefighters with claims in which BWC determined the presumption was met.

87

Disapproved claims

Firefighters with claims in which BWC determined the presumption was not met.

37

Either the firefighter or the employer has appealed BWC's decision in 86 of the 124 determinations made to date. Excluding claims that were dismissed (2), suspended (1), denied as duplicates (7), allowed as regular occupational disease claims (4) or remain pending in the hearing process (31), 61 claims have been allowed, and 18 claims have been denied.

Active claims

Active claims are those allowed after the final administrative decision, excluding claims described above. It is noteworthy that 19 of the allowed claims have had no payments to date, although claimants have a two-year period in which to request payment of compensation, and a one-year period from the date of service to request payment for a medical bill. BWC will also pay for treatment for a period of up to two years prior to the date of disease.

61

Total medical payments	\$1,629,001.18
Total indemnity payments	\$487,926.42
Total benefits paid	\$2,116,927.60