



Ohio Revised Code

Section 4133.07 Registration and renewal.

Effective: September 28, 2021

Legislation: House Bill 75

(A) Not later than thirty days after its formation, an alternate employer organization operating in this state shall register with the administrator of workers' compensation on forms provided by the administrator. Following initial registration, each alternate employer organization shall register with the administrator annually on or before the thirty-first day of December.

(B) Initial registration and each annual registration renewal shall include all of the following:

(1) A list of each of the alternate employer organization's client employers current as of the date of registration for purposes of initial registration or current as of the date of annual registration renewal, or within fourteen days of adding or releasing a client, that includes the client employer's name, address, federal tax identification number, and bureau of workers' compensation risk number;

(2) A fee as determined by the administrator;

(3) The name or names under which the alternate employer organization conducts business;

(4) The address of the alternate employer organization's principal place of business and the address of each office it maintains in this state;

(5) The alternate employer organization's taxpayer or employer identification number;

(6) A list of each state in which the alternate employer organization has operated in the preceding five years, and the name, corresponding with each state, under which the alternate employer organization operated in each state, including any alternative names, names of predecessors, and if known, successor business entities;

(7) The most recent financial statement prepared and audited pursuant to division (B) of section 4133.08 of the Revised Code;



(8) A letter of credit in accordance with division (D)(1) of this section;

(9) An attestation of the accuracy of the data submissions from the chief executive officer, president, or other individual who serves as the controlling person of the alternate employer organization.

(C) Upon terms and for periods that the administrator considers appropriate, the administrator may issue a limited registration to an alternate employer organization that provides all of the following items:

(1) A properly executed request for limited registration on a form provided by the administrator;

(2) All information and materials required for registration in divisions (B)(1) to (6) of this section;

(3) Information and documentation necessary to show that the alternate employer organization satisfies all of the following criteria:

(a) It is domiciled outside of this state.

(b) It is licensed or registered as an alternate employer organization in another state.

(c) It does not maintain an office in this state.

(d) It does not participate in direct solicitations for client employers located or domiciled in this state.

(e) It has fifty or fewer worksite employees employed or domiciled in this state on any given day.

(D)(1) An alternate employer organization shall provide security in the form of a letter of credit assignable to the Ohio bureau of workers' compensation in an amount necessary to meet the financial obligations of the alternate employer organization pursuant to this chapter and Chapters 4121. and 4123. of the Revised Code. The administrator shall determine the amount of the letter of credit required under this division for each registrant, which shall be at least one million dollars.



(2) An alternate employer organization may appeal the amount of the security required pursuant to rules adopted under division (D)(1) of this section in accordance with section 4123.291 of the Revised Code.

(3) An alternate employer organization shall pay premiums and assessments for purposes of Chapters 4121. and 4123. of the Revised Code on a monthly basis pursuant to division (A) of section 4123.35 of the Revised Code.

(E) Notwithstanding division (D) of this section, an alternate employer organization that qualifies for self-insurance or retrospective rating under section 4123.29 or 4123.35 of the Revised Code shall abide by the financial disclosure and security requirements pursuant to those sections and the rules adopted under those sections in place of the requirements specified in division (D) of this section or specified in rules adopted pursuant to that division.

(F) Except to the extent necessary for the administrator to administer the statutory duties of the administrator and for employees of the state to perform their official duties, all records, reports, client lists, and other information obtained from an alternate employer organization under divisions (A), (B), and (C) of this section are confidential and shall be considered trade secrets and shall not be published or open to public inspection.

(G) The list described in division (B)(1) of this section shall be considered a trade secret.

(H) The administrator shall establish the fee described in division (B)(2) of this section in an amount that does not exceed the cost of the administration of the initial and renewal registration process.

(I) A financial statement required under division (B)(7) of this section for initial registration shall be the most recent financial statement of the alternate employer organization and shall not be older than thirteen months. For each registration renewal, the alternate employer organization shall file the required financial statement within one hundred eighty days after the end of the alternate employer organization's entity's fiscal year. An alternate employer organization may apply to the administrator for an extension beyond that time if the alternate employer organization provides the administrator with a letter from the alternate employer organization's auditor stating the reason for delay and the anticipated completion date.



(J) Multiple, unrelated alternate employer organizations shall not combine together for purposes of obtaining workers' compensation coverage or for forming any type of self-insurance arrangement available under this chapter.

(K) An alternate employer organization may not own or co-own an affiliated professional employer organization or alternate employer organization.

(L) The administrator shall maintain a list of alternate employer organizations registered under this section that is readily available to the public by electronic or other means.

(M)(1) An alternate employer organization may assist a client employer in procuring a health benefit plan as a broker or otherwise, but shall not act as the employer or sponsor of a health benefit plan.

(2) As used in this division:

(a) "Health benefit plan" means a policy, contract, certificate, agreement, or other program offered to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including benefit plans marketed in the individual or group market by all associations, whether bona fide or non-bona fide. "Health benefit plan" also means a limited benefit plan.

(b) "Health care services" has the same meaning as in section 3922.01 of the Revised Code.