

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4123-6-21.7

Rule Type: New

Rule Title/Tagline: Reimbursement of opioids in the treatment of pain for a work related injury or occupational disease.

Agency Name: Bureau of Workers' Compensation

Division:

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4121.12, 4121.121, 4121.30, 4121.31, 4121.44, 4121.441, 4123.05
5. **What statute(s) does the rule implement or amplify?** 4121.12, 4121.121, 4121.44, 4121.441
6. **What are the reasons for proposing the rule?**

Pursuant to R.C. 119.032, state agencies are required to review all agency rules every five years to determine whether to amend the rules, rescind the rules, or continue the rules without change. Due to such review, the Bureau is proposing to rescind this rule and and replace with new rules 4123-6-21.7 and 4123-6-21.8.for the purposes explained below.

- 7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule governs the reimbursement of opioids in the treatment of pain for a work related injury or occupational disease. The proposed rule:

Requires compliance with the Ohio State Medical Board rules 4731-11-13 Prescribing of opiate analgesics for acute pain and 4731-11-14 Prescribing for subacute and chronic pain. Requires, in addition to the requirements of rule 4731-11-13, documentation of the appropriateness and safety of the medication.

Requires, in addition to the requirements of rules 4731-11-13 and 4731-11-14, when prescribing opioids at or above an average daily dose of fifty MED per day the completion of and documentation of a validated risk assessment not less than every three months, and urine drug screens based upon the validated risk assessment and the presence or absence of other indicators of substance misuse, abuse, substance disorder, or diversion.

- 8. Does the rule incorporate material by reference? No**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

The prescriber and pharmacy business communities are the only two business communities involved with the prescribing and dispensing of opioid medications. The impacted segments of those communities are the Bureau enrolled or certified providers who prescribe opioids for and those network pharmacies enrolled with the bureau that dispense the medications to injured workers covered by the Bureau. The adverse impact of incorporating best practices for opioid prescribing into daily office processes can only be determined by the level of office automation, staff efficiency and commitment of the prescriber and their staff.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

The Bureau's reimbursement for opioid prescriptions used to treat a work related injury or occupational disease shall be limited to claims in which current best medical practices as implemented by Ohio State Medical Board rule 4731-21-02 and proposed Bureau rule OAC 4123-6-21.7 of the Administrative Code, are followed. The Bureau shall not reimburse for any further prescriptions for opioids, and prescribers should discontinue

prescribing opioids, if the applicable criteria of the rules are not met.C.) Does this rule require specific expenditures.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding? 1

4123-6-21.7(D)(2) mandate that in addition to paragraph (D)(1) when prescribing opioids at or above an average daily dose of fifty MED per day, the prescriber must complete and document other information.

B. How many existing regulatory restrictions do you propose removing? 0