

NOTICE OF PUBLIC HEARING

The Ohio Bureau of Workers' Compensation will hold a public hearing on Tuesday, December 22, 2009, at 2:00 p.m., in Room 2, 2nd Floor, 30 West Spring Street, Columbus, Ohio 43215, to consider the following:

Amendment of the following rule for the purpose as shown below:

4123-6-37.1 Payment of hospital inpatient services.

This rule currently incorporates by reference 42 Code of Federal Regulations (C.F.R.) Part 412 as published in the October 1, 2008 C.F.R., as well as Federal Register citations to the 2008 Medicare regulations under which the applicable MS-DRG reimbursement rate was determined during the last Medicare fiscal year. BWC is proposing to revise the Federal Register citations to the 2009 regulations, and the 42 CFR Part 412 citation to that published in the October 1, 2009 C.F.R.

BWC is proposing to keep the amount reimbursed to hospitals at 120% of the applicable MS-DRG, as under the current rule. BWC is also proposing to calculate the per diem rates for direct graduate medical education annually every February 1, to be consistent with the effective date of the rule. Outliers shall continue to be reimbursed at 175% of the applicable MS-DRG reimbursement rate for the hospital inpatient service.

MS-DRG exempt hospitals who submitted a 2008 cost report to the Ohio Department of Job and Family Services shall continue to be reimbursed at 70% of billed charges; MS-DRG exempt hospitals who did not submit a 2008 cost report to ODJFS shall continue to be reimbursed at 62% of billed charges.

The proposed rule would also clarify that a QHP or self-insuring employer may reimburse hospital inpatient services at:

- The applicable rate under the or "MS-DRG" methodology; or
- 70% of billed charges for hospitals that submit a 2008 cost report to ODJFS, and 62% of billed charges for hospitals that did not submit a 2008 cost report to ODJFS; or
- The rate negotiated between the hospital and the QHP or self-insuring employer in accordance with rule 4123-6-46 of the Administrative Code.

Finally, BWC proposes to make the new hospital inpatient reimbursement rule applicable to hospital inpatient services with a discharge date of February 1, 2010 or later.

The full and complete text of the proposed rules is available at the Register of Ohio (<http://www.registerofohio.state.oh.us>) and is on file in the office of the Secretary of State (180 East Broad Street, 15th Floor, Columbus, Ohio), the Legislative Service Commission (77 South High Street, 9th Floor, Columbus, Ohio), the office of the Joint Committee on Agency Rule Review (77 South High Street, Concourse Level, Columbus, Ohio), the Bureau of Workers' Compensation, Legal Operations (30 West Spring Street,

26th Floor, Columbus, Ohio), the Bureau of Workers' Compensation (30 West Spring Street, Columbus, Ohio, 1st Floor, Hearing Rooms), and all service offices of the Bureau.

All interested parties will be given an opportunity to be heard. Any interested party unable to attend the public hearing may submit written comments to the undersigned prior to the public hearing.

THE OHIO BUREAU OF WORKERS' COMPENSATION

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