

**MEMORANDUM**

**TO:** Aniko Nagy, Ohio Bureau of Workers' Compensation

**FROM:** Mark Hamlin, Director of Regulatory Policy

**DATE:** July 14, 2015

**RE:** **CSI Review – Immediate Allowance and Payment of Medical Bills in Claims (OAC 4123-3-36)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of a single amended rule being proposed by the Ohio Bureau of Workers' Compensation (BWC) creating a framework for the Bureau to immediately allow claims for certain specified medical conditions. The rule was submitted to the CSI Office on June 2, 2015 and the comment period closed on June 25, 2015. No comments were received during the CSI review period.

ORC 4123.511 authorizes the BWC Administrator to identify certain medical conditions that have historically been allowed when included in a workers' compensation claim. Once established, those conditions are automatically approved when submitted in a claim, rather than being subject to the typical investigation and determination process. The employer in such a case retains the right to appeal, and if the claim is ultimately disallowed, all payments already made are charged to the BWC's surplus fund.

The rule in this package creates the criteria the Administrator uses to determine conditions subject to immediate allowance (also referred to as "Fast Response"), and the rule's Appendix A lists the

specific conditions eligible for Fast Response, including the description of the condition and the applicable code under the International Statistical Classification of Diseases and Related Health Problems (ICD) developed by the World Health Organization. The proposed amendment replaces the current Appendix A, which utilizes ICD-9, with a new version that uses ICD-10. According to the Bureau's BIA, ICD-10 provides a greater ability to capture detail and complexity regarding medical conditions. The BIA further describes outreach to a robust stakeholder group and indicates that the only comments received were supportive of the change. The CSI Office thus finds the rule package justified.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio Bureau of Workers' Compensation should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.