

**MEMORANDUM**

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

**FROM:** Christopher Smyke, Regulatory Policy Advocate

**DATE:** February 9, 2018

**RE:** **CSI Review – Medical Services and Professional Provider Fee Schedule (OAC 4123-6-08)**

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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 one amended rule proposed by the Ohio Bureau of Workers' Compensation (BWC). The rule package was submitted to the CSI Office on January 11, 2018 and the comment period remained open until February 2, 2018. No comments were received during this time.

Ohio Administrative Code (OAC) 4123-6-08 and its appendix outline BWC payments to providers of medical and professional services for injured workers. Changes to the rule include updates to the relative value unit for all common procedure terminology (CPT) and the healthcare common procedure coding system (HCPCS), as published in Medicare's 2017 final rule, while maintaining 20% above Medicare rates for HCPCS. In addition, BWC proposes to adopt updates to benefit coverage for home and behavior assessment and intervention services, cancer care services, and detox services. The proposed rule also includes updates to dental fees and the BWC conversion factors, as well as new CPT and HCPCS codes for 2018, along with the deletion of discontinued codes.

BWC sought feedback to the amended rule by posting the rule online for public comment and contacting stakeholders via email, including Managed Care Organizations, multiple BWC internal

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stakeholder lists, employer organizations, the Ohio Attorney General, and the Ohio Association for Justice. No feedback was received during early stakeholder outreach or during the CSI public comment period

The proposed rule affects medical and professional service providers for injured workers, as well as self-insuring employers. The BIA cites the only adverse impact as the time for affected businesses to incorporate the changes into their billing systems, estimated at less than twenty hours of programming time. The BIA justifies the rule, citing BWC's statutory duty under ORC 4121.441 to adopt rules to administer the Healthcare Partners Program. The BIA notes that the Medicare methodology has been used by BWC since 1997; these updates are necessary and routine for providers and self-insured employers

Following review of the draft rule and BIA, the CSI Office has determined the purpose of the rule is 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.

cc: Emily Kaylor, Lt. Governor's Office