

**MEMORANDUM**

TO: Aniko Nagy, Ohio Bureau of Workers' Compensation

FROM: Ethan Wittkorn, Regulatory Policy Advocate

DATE: February 12, 2019

RE: **CSI Review – Bureau Fee Schedule (OAC 4123-6-08)**

On behalf of Lt. Governor Jon Husted, 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 December 21, 2018 and the comment period remained open until January 16, 2019. The CSI office received no comments during this time.

Ohio Administrative Code (OAC) 4123-6-08 and its appendix set forth the fees paid out for medical and professional provider services on behalf of injured workers by BWC. The amended rule adopts 2018 Medicare payment updates, adopts base methodology changes for certain radiology and anesthesia services, and 2019 updates to Current Procedural Terminology and Healthcare Common Procedure Coding System codes.

Prior to filing with the CSI office, BWC sought feedback by posting the rule online for public comment and contacting stakeholders via email, including Managed Care Organizations, multiple BWC internal stakeholder lists, employer organizations, the Ohio Association for Justice, and the Ohio Attorney General, Workers' Compensation Section.

The proposed rule affects medical and professional providers that provide services to 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 as a necessary framework to ensure injured workers have access to healthcare by establishing adequate reimbursement rates for ASCs. The BIA notes that the Medicare methodology has been in use by BWC since 1997; these updates are necessary and routine for healthcare providers and self-insured employers

Recommendations

Based on the information above, the CSI Office does not have any recommendations for this rule package.

Conclusion

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.