



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Aniko Nagy, Ohio Bureau of Workers Compensation

FROM: Ethan Wittkorn, Regulatory Policy Advocate

DATE: February 18, 2021

RE: CSI Review – Medical Services and Professional Provider 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 Department as provided for in ORC 107.54.

Analysis

This Ohio Bureau of Workers Compensation (BWC) rule package consists of 1 amended rule. The rule was submitted to the CSI Office on January 12, 2021, and the public comment period was open through February 2, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on January 12, 2021.

The proposed rule covers the BWC fees to be paid to providers of medical and professional services that are rendered to injured workers. Updates have been proposed to the rule to add additional service codes for adult day care, nursing facilities, hospice, prosthetic devices, and medication therapy. Further proposed updates include adopting updated payment updates from the Department of Medicaid.

During the early stakeholder outreach period, the BWC sought input from managed care organizations, medical providers, the Ohio Association for Justice, state agencies, self-insured employers, and third-party administrators. The BWC also reached out to several employer organizations including the Council of Smaller Enterprise, the Ohio Manufacturers' Association,

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the National Federation of Independent Business, and the Ohio Chamber of Commerce. In addition to reaching out to stakeholder groups, the BWC held discussions with the Ohio Health Care Association, the Ohio Occupational Therapy Association, the Ohio Orthotic and Prosthetic Association, and others to discuss proposed changes to the rule. During this period the BWC received comments requesting additional service codes, clarification of COVID-related codes, travel reimbursements, and concerns over modifiers. No updates were made as a result of these comments. No further comments were submitted during the CSI public comment period.

Impacted communities include professional providers that provide services to injured workers and self-insuring employers. Potential impacts to these communities include the administrative time necessary to implement changes being proposed to the fee schedule. The BWC argues that impacts should be minimal as there are annual updates to the fee schedule, which impacted communities routinely implement. The proposed rule serves to ensure that injured workers in Ohio have access to healthcare, and that the services provided are paid at a competitive reimbursement rate.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the BWC should proceed in filing the proposed rule with the Joint Committee on Agency Rule Review.