



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, Business Advocate

DATE: November 12, 2021

RE: CSI Review – Payment of Hospital Inpatient Services (OAC 4123-6-37.1)

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 Bureau as provided for in ORC 107.54.

Analysis

This Ohio Bureau of Workers' Compensation (BWC) rule package consists of one amended rule. The rule was submitted to the CSI Office on October 6, 2021, and the public comment period was open through October 25, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on October 6, 2021.

The proposed rule establishes fees paid out by the BWC to inpatient hospital service providers. Amendments for 2022 have been suggested to adopt updated Medicare rules and rates.

During the early stakeholder outreach period, the BWC sought comments from managed care organizations, the Ohio Association for Justice, BWC stakeholders, self-insured employers, third party administrators, the Ohio Council of Smaller Enterprises, the Ohio Manufacturers Association, the National Federation of Independent Business, and the Ohio Chamber of Commerce. One comment was submitted during this period by the Ohio Hospital Association, indicating support of the proposed rules. No further comments were submitted during the CSI public comment period.

The impacted business communities include hospitals providing inpatient care to injured workers

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

and self-insured employers. Adverse impacts include the administrative staff time and costs necessary to implement changes to the fee schedule. The BWC estimates that it may take up to ten hours to implement changes proposed to the fee schedule. The BWC believes that the adverse impacts created by the proposed rule are justified because the rule helps ensure that injured workers have access to care and that reimbursement levels for care are competitive.

Recommendations

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

Conclusion

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