



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Aniko Nagy, Ohio Bureau of Workers' Compensation

FROM: Jacob Ritzenthaler, Business Advocate

DATE: February 1, 2022

RE: CSI Review – 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 Bureau 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). This rule package was submitted to the CSI Office on December 20, 2021, and the public comment period was held open through January 7, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on December 20, 2021.

Ohio Administrative Code 4123-6-08 establishes the fee schedule for BWC payments for medical and professional services provided for injured workers through the Health Partnership Program. The rule is amended to include updates to service coverage status and home health service code definitions. The rule also includes amendments to fees and relative value units that align with Medicare 2021 Professional Provider and Medical Services payment updates, as well as updates to reimbursement rates.

During early stakeholder outreach, BWC sent the rule to industry stakeholder for feedback, including managed care organizations, professional employer organizations, and other interested parties. BWC received one comment that advised against reducing reimbursement rates for

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chiropractic services. BWC did not make changes in response to the comment, stating that the change comes in response to Medicare evaluations of the resources necessary to provide the services. No comments were received during the CSI public comment period.

The business community impacted by the rule includes providers receiving reimbursement for services to injured workers. The adverse impact created by the rule is primarily the time and effort spent by providers to implement the reimbursement rate requirements of the rule. BWC estimates that the time needed to implement these changes would be approximately 10 hours. BWC states that the adverse impact created by the rule is necessary to ensure that the fee schedule accurately sets rates and aids in the efficient provision of services.

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 rules with the Joint Committee on Agency Rule Review