



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Aniko Nagy, Ohio Bureau of Workers Compensation

FROM: Jacob Ritzenthaler, Business Advocate

DATE: February 6, 2023

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 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). This rule package was submitted to the CSI Office on December 14, 2022, and the public comment period was held open through January 4, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on December 14, 2022.

Ohio Administrative Code 4123-6-08 establishes requirements for BWC to develop, maintain, and publish a provider fee schedule for billing codes, which is found in the accompanying appendix. The rule also notes the ability of managed care organizations (MCO) to contract with providers and that a MCO fee schedule will be given to each provider that contracts with the MCO. The rule is amended to include additional services for psychotherapy and telerehabilitation, update service codes and descriptions for home modification repair, vehicle modification repair, mileage, and travel services, and update and remove outdated language.

During early stakeholder outreach, BWC sent the proposed rule to industry stakeholders for review,

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including MCOs, the Ohio Association for Justice, BWC's Healthcare Quality Assurance Advisory Committee, and other stakeholder distribution lists. One comment was received during that time from the Ohio Chapter of the International Association of Rehabilitation Professionals, which suggested including an additional billing code to differentiate between occupational and treatment-based functional capacity evaluation (FCE) services. BWC responded by reviewing billing procedures and conducting education within specific MCOs that were having difficulty billing FCE services.

The business community impacted by the rule includes healthcare providers, facilities, and other self-insuring employers. The adverse impact created by the rule includes the time spent by businesses to implement fee schedule changes, which BWC describes as a relatively routine practice for businesses. BWC states that the adverse impact is necessary to ensure that injured workers have access to quality health care.

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.