

**Rule Summary and Fiscal Analysis (Part A)****Bureau of Workers' Compensation**

Agency Name

Division

**Tom Sico**

Contact

**30 West Spring St. L26 Columbus OH 43215-0000**

Agency Mailing Address (Plus Zip)

**614-466-6600**

Phone

**614-621-3372**

Fax

**tom.sico@bwc.state.oh.us**

Email

**4123-6-02.2**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Provider access to the HPP - provider credentialing criteria.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4121.12, 4121.121, 4121.30, 4121.31, 4121.44, 4121.441, 4123.05**

5. Statute(s) the rule, as filed, amplifies or implements: **4121.121, 4121.44, 4121.441, 4123.66**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Chapter 4123-6 of the Administrative Code contains BWC rules implementing the Health Partnership Program (HPP) for state fund employers, including the HPP provider certification rules. OAC 4123-6-02.2, the provider certification rule that establishes minimum mandatory criteria for providers who wish to participate in the HPP, was first promulgated in 1996, prior to the implementation of the HPP in

1997. The rule has been periodically updated as needed, most recently in 2010 as part of the five-year rule review process.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The major substantive changes proposed for HPP provider credentialing criteria rule OAC 4123-6-02.2:

- States that if a provider's license is under revocation or suspension in any state, or is subject to disciplinary restrictions in any state that affect the provider's ability to treat patients or compromise patient care, the provider shall be ineligible for HPP certification.
- Requires providers applying for HPP certification to attest to and maintain adequate, current professional malpractice and liability insurance, and provide proof of such coverage to BWC upon request.
- Adds specific criteria for HPP certification of adult day care facilities, anesthesiologist assistants, independent diagnostic testing facilities, and sleep laboratories.
- Clarifies and simplifies the HPP certification criteria for durable medical equipment suppliers.
- Clarifies that HPP certification of occupational rehabilitation programs for work hardening is for comprehensive programs.
- Modifies language in the rule requiring "medicare participation" for HPP certification of certain provider types to state "approved by the centers for medicare and medicaid services (CMS) for medicare" to better reflect current terminology.
- Reorganizes the criteria for HPP certification of specific provider types in alphabetical order by provider type.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

BWC added two additional statutes, R.C. 4121.44 and 4121.441, to the rule authority for this rule.

12. 119.032 Rule Review Date: 3/16/2012

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0

N/A

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

N/A

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

N/A

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

This rule requires providers to be licensed, certified or accredited in order to provide healthcare services to injured workers.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

If an individual provider's professional license is under revocation or suspension in any state, or is subject to disciplinary restrictions in any state that affect the provider's ability to treat patients or that compromise patient care, the provider shall be ineligible to participate in the health partnership program

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

Providers must maintain adequate, current professional malpractice and liability

insurance.