

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4123-6-21.2

Rule Type: Amendment

Rule Title/Tagline: Pharmacy and therapeutics committee.

Agency Name: Bureau of Workers' Compensation

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 11/12/2021
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 4121.12, 4121.121, 4121.30, 4121.31, 4121.44, 4121.441, 4123.05
5. **What statute(s) does the rule implement or amplify?** 4121.12, 4121.121, 4121.44, 4121.441,
6. **What are the reasons for proposing the rule?**

Pursuant to R.C. 119.032, state agencies are required to review all agency rules every five years to determine whether to amend the rules, rescind the rules, or continue the rules without change. Due to such review, the Bureau is proposing to amend this rule for the purposes explained below.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule governs the Pharmacy and therapeutics committee. The proposed changes are to:

Update titles of BWC and Industrial Commission staff.

- * Revise language to reflect the list of potential committee members are those that have expressed an interest in serving, rather than those that have agreed to serve.

- * Remove language requiring approval and review of a list of non-covered, non-reimbursable medications.

- * Revise language providing for review and approval of BWC policies and procedures to language providing for a review and approval of clinical criteria related to drug utilization review or specific medication issues.

- * Rephrase language regarding peer reviews that may be conducted by the P&T committee.

- * Revise language to provide that written records of the P&T committee will be maintained by the Bureau, as opposed to specifically the "chief medical officer".

- * Remove language requiring all recommendations from the P&T committee be submitted to the chief medical officer.

8. Does the rule incorporate material by reference? No
9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

0.00

Not Applicable.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Since these revisions are directed at internal administrative Bureau operations, there will be no impact on the greater business community.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
- 15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

III. Common Sense Initiative (CSI) Questions

- 16. Was this rule filed with the Common Sense Initiative Office? Yes**
- 17. Does this rule have an adverse impact on business? Yes**

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

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

The P&T Committee shall perform peer review according to generally accepted standards of medical practice applicable to medication prescribing and may recommend sanctions as well as decertification of any provider determined to have consistently failed to meet those standards of care.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding? 0

B. How many existing regulatory restrictions do you propose removing? 7

4123-6-21.2(D) Removed "...the pharmacy program director shall be.."

4123-6-21.2(D) Removed and rephrased language indicating the Industrial Commission's medical advisor shall not be a voting member.

4123-6-21.2(F)(5) Removed language that the P&T committee shall perform peer review of pharmacy providers' professional performance.

4123-6-21.2(F)(6) Removed language stating P&T committee shall perform peer review of prescribing patterns.

4123-6-21.2(F)(6) Removed language stating any decertification or sanction of a provider shall be in accordance with 4123-6-17.

4123-6-21.2(G) Removed language stating written records of the agenda and minutes shall remain in the custody of the chief medical officer.

4123-6-21.2(H) Removed language requiring recommendation from the P&T committee be submitted to the chief medical officer.