

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? No
 - A. What is the rule's five year review date? 2/1/2027
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. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

The rule is being amended to reflect that P&T committee members may resign or be removed by the administrator at any time; the pharmacy program director may

designate an alternate to serve in the director's absence; and to change the frequency of the committee meetings.

- 8. 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, which was created to advise BWC with regard to issues involving medication therapy for injured workers, including development and review of a formulary of approved medications.

In addition to the changes noted above, the proposed changes also eliminate, where appropriate, regulatory restrictions "shall," "must," "require," "shall not," "may not," and "prohibit" from the rule, in accordance with the regulatory restriction reduction mandate found in R.C. 121.95 and R.C. 121.951.

- 9. Does the rule incorporate material by reference? No**
- 10. 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

- 11. 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

- 12. 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

This will have no impact on revenues or expenditures.

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

No new costs of compliance.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
16. 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

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. 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 performs peer reviews according to generally accepted standards of medical practice applicable to medication prescribing and may recommend sanctions as well as decertify any provider that consistently fails to meet the 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. 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 to this rule? 0**
- B. How many existing regulatory restrictions do you propose removing from this rule? 24**

41423-6-21.2

the mission and goals of the committee shall be developed and maintained by the bureau.

4123-6-21.2(A)

The P&T committee shall consist of the bureau's pharmacy program director ...

4123-6-21.2(A)

not more than thirteen nor less than five voting members who shall be licensed physicians ...

4123-6-21.2(A)

Any subcommittee recommendations shall be submitted to the P & T committee.

4123-6-21.2(B)

...meet the following requirements...

4123-6-21.2(B)(1)

(1) Each provider must be familiar with issues ...

4123-6-21.2(B)(2)

(2) Physicians must be a doctor of medicine ...

4123-6-21.2(B)(3)

(3) Providers must possess significant clinical or administrative experience in health care delivery ...

4123-6-21.2(B)(4)

(4) Providers must have experience with and an understanding of the concepts of evidence-based medicine

4123-6-21.2(B)(5)

(5) Providers must not be, or within the previous twenty-four months have been, an employee of any pharmaceutical manufacturer . . .

4123-6-21.2(C)

(C) The appointing authority for members of the P&T committee shall be the administrator ...

4123-6-21.2(C)

... or the administrator's designee(s), who shall appoint members ...

4123-6-21.2(C)

Terms of membership for individual members of the P&T committee shall be for one year.

4123-6-21.2(C)

Vacated terms shall be filled in a like manner ...

4123-6-21.2(C)

... as for the full term appointments and shall be for the remaining term of the vacated member.

4123-6-21.2(D)

(D) The pharmacy program director of the bureau shall be the chairperson ...

4123-6-21.2(D)

... of the P&T committee and shall provide notice of meetings ...

4123-6-21.2(E)

(E) The P&T committee shall develop and establish bylaws...

4123-3-21.2(E)

...for the organization and operations of the committee and subcommittees, subject to the requirements of this rule...

4123-6-21.2(F)

The committee shall be responsible to respond to requests ...

4123-6-21.2(G)

(G) The P&T committee shall hold at least three meetings

4123-6-21.2(G)

The P&T committee and all subcommittees shall keep written records ...

4123-6-21.2(H)

(H) The P&T committee shall submit an annual report

4123-6-21.2(I)

The expenses incurred by the P&T committee and its subcommittees and the fees of their members shall be paid in the same manner as other administrative costs of the bureau.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable