Rule Summary and Fiscal Analysis
Part A - General Questions

Rule Number: 4123-6-21.6

Rule Type: Amendment

Rule Title/Tagline: `First fill of outpatient medications.

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?** 5/29/2020

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, 4123.34

5. **What statute(s) does the rule implement or amplify?** 4121.441, 4123.66

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.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

   The proposed rule details the circumstances under which the Bureau reimburse for the first fill of prescription drugs, for medical conditions identified in an application for

workers' compensation or benefits, prior to the date the Bureau issues an initial claim determination order. The Bureau is proposing the following:

Remove language that limits reimbursement for first fill medication to a period of ten days or less, and add language limiting reimbursement to the quantity limits listed in the appendix to the rule.
Add language which permits more than one drug in the therapeutic drug class antivirals and antibiotics to be reimbursed.
Revise and clarify language requiring prescribers to indicate the first fill prescription is for a work related injury.
Revise the appendix to reflect quantify limits for each medication.

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?**

    This only affects injured workers receiving prescription benefits from the Bureau.

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?** No

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

       Prescribers have to indicate the first fill prescription is for a work related injury for payment of first fill medications.

    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?** No

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

       Not Applicable

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

Not Applicable