

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4123-6-35

Rule Type: New

Rule Title/Tagline: Payment for spinal cord stimulator.

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. **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, 4123.66
5. **What statute(s) does the rule implement or amplify?** 4121.12, 4121.121, 4121.44, 4121.441, 4123.66
6. **What are the reasons for proposing the rule?**

Chapter 4123-6 of the Administrative Code contains BWC rules implementing the Health Partnership Program (HPP), including rules establishing criteria for the payment of various specific medical services by BWC in State Insurance Fund claims. BWC initially enacted the bulk of the Chapter 4123-6 HPP medical service rules (Ohio Administrative Code 4123-6-20 to 4123-6-46) in February 1997. BWC is proposing new rule OAC 4123-6-35 to ensure the provision of current best medical practices as it relates to spinal cord stimulator treatment.

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

This rule governs BWC's payment for a spinal cord stimulator to treat a work related injury or occupational disease where certain conditions are allowed in a claim.

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 decrease revenues.

0.00

The data reviewed would suggest that clearer guidance on appropriate services for spinal cord stimulator implantation would be expected to decrease costs to the system over the long term.

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

The estimated costs of compliance initially, will be some increase in resources devoted to communication, education, and claim review for employers, MCOs, and medical providers participating in and managing workers' compensation claims.

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

The provider must submit documentation that specific criteria as set forth in the rule are met, and the injured worker and provider must sign and submit the educational document "What BWC Wants You to Know About Spinal Cord Stimulators", attached as an appendix to the rule, to the MCO before reimbursement for a spinal cord stimulator can be approved.

- 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 to this rule?

Not Applicable

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

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable