Hearing Summary Report

Note: Upload completed document to the Electronic Rule Filing System.

Hearing Date: 9/3/2025 Today's Date: 9/3/2025

Agency: Ohio Bureau of Workers' Compensation

Rule Number(s): 4123-6-01.2, 4123-6-02, 4123-6-02.2, 4123-6-02.3, 4123-6-02.4, 4123-6-02.5, 4123-6-02.6, 4123-6-02.7, 4123-6-02.21, 4123-6-02.51, 4123-6-03.7, 4123-6-03.9, 4123-6-04.3, 4123- 6-07, 4123-6-10, 4123-6-20, 4123-6-20.1, 4123-6-21, 4123-6-21.1, 4123-6-21.8

If no comments at the hearing, please check the box. ☒

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Tiffany Grzybowski, Analyst, Advocacy and Compliance, Healthesystems, 4123-6-21.1
2. Adam Fowler, Director, Workers' Compensation Regulatory Affairs MyMatrixx by Evernorth, 4123-6-21.1
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Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

Healthesystems: We appreciate and support the Bureau's proposed changes, particularly the decision to maintain the payment structure of AWP minus 15% and the $3.50 dispense fee for non-compounded medications, as well as the Bureau's efforts to improve clarity and organization throughout the rules.

However, to support a smooth and effective implementation of the new time-based fee structure for sterile and non-sterile compounded prescriptions, we respectfully recommend a minimum 90-day implementation period following final rule adoption. This timeframe would provide self-insured employers and pharmacy benefit managers with adequate time to update internal systems, adjust reimbursement protocols, and ensure full operational compliance with the revised fee schedule.

MyMatrixx by Evernorth: First, MyMatrixx would like to take this opportunity to thank the BWC for incorporating a change we previously recommended in this latest proposed text. Specifically, we thank the BWC for removing the previously proposed provision that may have required a prescriber's DEA number to be submitted by pharmacies on their bills. We support submission of prescriber NPIs on bills as reflected in this updated text, as the NPI is the national standard provider identifier and should suffice for identifying a prescriber on a pharmacy bill.

MyMatrixx would like to also repeat our support of the BWC's proposed alignment of this self-insuring employer rule with the state fund rule (4123-6-21) with respect to the dollar cap placed on reimbursement for compounded medications. Currently, the maximum product cost component reimbursement for any one nonsterile compounded prescription for state fund claims is $100, but the cap for self-insuring employer claims is $400. BWC's proposed changes to 4123-6-21.1(E)(1)(c) would decrease the self-insuring employer claim cap to $100 so that it aligns with the cap for state fund claims. We support this proposed change to ensure some employers are not paying more than others for the same category of medications.

Finally, MyMatrixx encourages the BWC to build in some lead time for stakeholders to implement the changes to these rules once adopted, particularly given the new time-based reimbursement methodology proposed for compound dispensing fees in 4123-6-21.1(E)(2)(b). While the five categories of compound dispensing fees proposed by the BWC align with national billing standard categories supported by the National Council for Prescription Drug Programs (NCPDP), it will still take time for stakeholders (particularly the various self insuring employers and their vendors) to implement this pricing structure into their systems and processes.

Given that, we recommend the BWC schedule the effective date for these changes to be at least 90 days after the date of final adoption (final file). This will ensure smoother and more uniform compliance among stakeholders and potentially fewer reimbursement disputes related to billing and pricing systems not being updated on time.

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Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

Thank you for your feedback regarding the upcoming changes to OAC 4123-6-21.1. Due to a technical error, this rule and rule OAC 4123-6-21 are being withdrawn and will be refiled with JCARR after further Board review. We now anticipate an effective date for these rules of February 1, 2026. Therefore, ample time should be available to implement these changes.