



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### MEMORANDUM

**TO:** Aniko Nagy, Ohio Bureau of Workers' Compensation

**FROM:** Ethan Wittkorn, Regulatory Policy Advocate

**DATE:** November 15, 2019

**RE:** CSI Review – Payment of Hospital Inpatient Services (4123-6-37.1)

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On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Bureau as provided for in ORC 107.54.

#### Analysis

This Ohio Bureau of Workers' Compensation (Bureau) rule package consists of one amended rule submitted as part of the statutory five-year review process. This rule package was submitted to the CSI Office on October 8, 2019 and the public comment period was open through October 30, 2019. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on October 8, 2019.

This package covers fees paid by the Bureau to inpatient hospital service providers. Amendments to the rule include updates to dates and references.

During the period of early stakeholder outreach, the proposed rule was posted to the Bureau's website and shared via e-mail with stakeholder lists for managed care organizations, medical providers of the Medical Services Division, the Healthcare Quality Assurance Advisory Committee, the Ohio Association for Justice, employer organizations, the BWC self-insured division employer distribution list, and third party administrators. Additionally, the propose rule was presented to the director of Health Economics and Policy at the Ohio Hospital Association (OHA). One comment was received from the OHA that expressed support for the rules, specifically the Bureau's use of

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

[CSIPublicComments@governor.ohio.gov](mailto:CSIPublicComments@governor.ohio.gov)

Medicare inpatient reimbursement methodology as the basis for its methodology. During the CSI public comment period, no comment was submitted.

Impacted communities include hospitals that provide inpatient care to injured workers, as well as self-insured employers also administering the rule. The adverse impacts include administrative costs for self-insured employers to program and execute fee schedule changes and administrative costs to hospitals to incorporate updates into the hospital's billing system. The Bureau estimates that impacted communities will require less than 10 hours of programming time to comply with the rule. The Bureau states that the proposed rule is necessary to ensure access to quality healthcare for all Ohio employers workers that experience a workplace injury and carries out the Bureau's statutory mandate to disburse and pay medical, nurse, and hospital service care and medicine.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Bureau should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.