



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Aniko Nagy, Ohio Bureau of Workers' Compensation

FROM: Jacob Ritzenthaler, Business Advocate

DATE: December 27, 2021

RE: **CSI Review – Applications for Death Benefits and Limitations on the Filing of Fee Bills (OAC 4123-3-07 and 4123-3-23)**

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 BWC as provided for in ORC 107.54.

Analysis

This rule package consists of two amended rules proposed by the Bureau of Workers' Compensation (BWC). This rule package was submitted to the CSI Office on November 9, 2021, and the public comment period was held open through November 30, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on November 9, 2021.

Ohio Administrative Code (OAC) Chapter 4123-3 establishes BWC claims procedure. OAC 4123-3-07 establishes requirements for the application by a dependent for death benefits following an industrial industry or occupational disease. The rule is amended to update the term "industrial industry" to "work-related injury" and to align language to comply with state statute concerning dependents. OAC 4123-3-23 sets forth limitations placed on the filing of fee bills for medical or vocational rehabilitation services, including requirements for the submission of fee bills, negotiation by self-insuring providers, and actions exempted from timeline requirements. The rule is amended to include certain requests made by the Department of Veterans Affairs in the list of actions to which timeline requirements do not apply.

77 South High Street | 30th Floor | Columbus, Ohio 43215-6117
CSIOhio@governor.ohio.gov

During early stakeholder outreach, BWC provided the proposed rules to stakeholders for feedback, including managed care organizations, medical providers, employer organizations, and the Healthcare Quality Assurance Advisory Committee. No stakeholder comments were received during that time or during the CSI public comment period.

The business community impacted by these rules includes injured workers, worker representatives, employers, providers, and managed care organizations. The adverse impact created by the rules includes requirements for the submission of claims and application for benefits. BWC notes that timeframes specified in the rules are required by statute. BWC states that the adverse impacts are necessary to comply with state statute and provide proper guidance.

Recommendations

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

Conclusion

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