



Common Sense Initiative

Mike DeWine, *Governor*
Jim Tressel, *Lt. Governor*

Joseph Baker, *Director*

MEMORANDUM

TO: Eva Dixon, Ohio Bureau of Workers' Compensation

FROM: Michael Bender, Business Advocate

DATE: June 13, 2025

RE: **CSI Review – Vocational Rehabilitation Provider Rules and Fee Schedule (OAC 4123-18-04, 4123-18-09, and 4123-18-21)**

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 rule package consists of three amended rules proposed by the Ohio Bureau of Workers' Compensation (BWC). This rule package was submitted to the CSI Office on April 29, 2025, and the public comment period was held open through May 13, 2025. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on April 29, 2025.

Ohio Administrative Code (OAC) 4123-18-04 describes how BWC makes living maintenance payments to injured workers who participate in vocational rehabilitation. The rule is amended to make a technical correction. OAC 4123-18-09 adopts the vocational rehabilitation provider fee schedule which establishes the benefits and related reimbursement rates available to providers to address the vocational rehabilitation needs of injured workers. The rule is amended to make a technical correction. An appendix to the rule is also provided and contains the vocational

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

CSIPublicComments@governor.ohio.gov

rehabilitation provider fee schedule. The appendix is amended to recommend a 4.12% increase in base reimbursement rates. OAC 4123-8-21 describes how BWC makes living maintenance wage loss payments to injured workers who complete vocational rehabilitation plans. The rule is amended to update a citation.

During early stakeholder outreach, BWC emailed the proposed rules to interested parties on March 28, 2025, to seek input through April 11, 2025. Stakeholders that were contacted included BWC's managed care organizations, BWC's Health Care Quality Assurance Advisory Committee, BWC's internal medical provider stakeholder list, BWC's Self-Insured Division's employer distribution list, BWC's Employer Services Division's third-party administrator distribution list, the State Medical Board of Ohio, the Ohio Board of Pharmacy, the Ohio International Association of Rehabilitation Providers, the Ohio Association for Justice, the Council of Smaller Enterprises, the Ohio Manufacturers' Association, the National Federation of Independent Business, and the Ohio Chamber of Commerce. Three interested parties submitted comments during this time. Two commenters supported the proposed changes, while a third asked for the proposed fee changes for several services but made no recommendations after being given the information. No comments were received during the CSI public comment period, although BWC revised a citation in the fee schedule after learning that it had changed earlier in the year.

The business community impacted by the rules includes vocational rehabilitation service providers who render services to injured workers, employers who have injured workers utilizing vocational rehabilitation services, and self-insuring employers that administer the provisions in the rules. The adverse impacts created by the rules include the time and costs associated with implementing the fee schedule, incorporating relevant changes into billing systems, and submitting invoices to BWC. BWC estimates that vocational rehabilitation service providers and self-insured employers need less than ten hours of programming time to comply with the rules, adding that the annual implementation of updates is relatively routine. BWC states that the adverse impacts to business are justified to comply with statutory requirements, ensure that Ohio's injured workers have access to quality vocational rehabilitation services, create a competitive reimbursement level for these services.

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.