Ohio Bureau of Workers' Compensation
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Columbus, OH 43215-2256

Governor John R. Kasich
Administrator/CEO Stephen Buehrer
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MEMORANDUM

TO: Paula Steele, Regulatory Policy Advocate

FROM: Pete Mihaly, Legal Counsel

DATE: August 12, 2013

Re: **CSI Review – Payment for Outpatient Medication (OAC 4123-6-21, 4123-6-21.1)**

Dear Paula Steele:

I have received your Memo dated April 24, 2013, concluding that the Ohio Bureau of Workers' Compensation (BWC) should proceed with its filing of the proposed rules of 4123-6-21 and 4123-6-21.1 of the Administrative Code with the Joint Committee on Agency Rule Review (JCARR) after complying with the CSI Office recommendation as follows:

"The Bureau should submit a revised BIA identifying the potential adverse impact of the rule package to pharmacies who may lose transactions due to a denial of reimbursement by the BWC."

Along with this Response Memo, the Bureau is sending the revised BIA outlining one clarification to the proposed changes to the Payment for Outpatient Medication rule OAC 4123-6-21 that BWC has made since the CSI office initially considered the rule. In response to feedback from stakeholders and the CSI office, BWC has modified the proposed revision regarding OARRS registration to clarify that it applies only to providers writing prescriptions for the purpose of providing chronic care. The modification defines "for the purpose of providing chronic care" as the provider has written three or more prescriptions for controlled substances for the same injured worker in a twelve week period. This modification was approved by the BWC Board of Directors at its May 30, 2013 meeting. BWC believes this clarification does not significantly affect the adverse impact of the proposed revision.

In addition, the Revised BIA also clarifies that, in response to feedback from stakeholders and the CSI office, BWC is also exploring its options under OAC 4123-6-02.7, and possibly other legal authorities, including possibly pursuing a new, more comprehensive rule regarding opiate prescribing, to more directly address the issue of physicians failing to register in OARRS, not as an alternative, but rather as complementary to, these proposed revisions.

At this time, it is BWC's plan to move forward with the filing of the proposed rules with JCARR

If you have any questions, feel free to contact me at (614) 466-3186.

Thank you,

Pete Mihaly
Legal Counsel, BWC