ACTION: Original

DATE: 10/24/2014 1:27 PM

MEMORANDUM

TO: Tom Sico, Bureau of Workers' Compensation

FROM: Paula Steele, Regulatory Policy Advocate

DATE: October 8, 2014

RE: **CSI Review – First Fill of Outpatient Medications Rule** (OAC 4123-6-21.6 and Appendix)

On behalf of Lt. Governor Mary Taylor, 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 Agency as provided for in ORC 107.54.

Analysis

This Ohio Bureau of Workers' Compensation (Bureau) rule package contains one new draft rule that implements the recently-enacted Substitute House Bill 493 by creating a rule that addresses reimbursements procedures for the first fill of prescription medications. This rule package was submitted on September 12, 2014 with the comment period ending on October 1, 2014. No comments were received during the public comment period.

The proposed rule enables the Bureau to reimburse pharmacies for limited medications needed by injured workers after an accident but before the claim has been reviewed. If the Bureau subsequently disallows the claim, the amount reimbursed for the medications would be charged to the Bureau's surplus fund instead of the employer's account. Currently, if an injured worker needs medication prior to his or her claim being reviewed, the injured worker is responsible for payment of the medication. The Appendix lists the medications and quantities applicable to the proposed rule.

The CSI Office reached out to the Ohio Pharmacists Association to ensure they were aware of the

rule and to determine if there were any unapparent adverse impacts to business. The Association was supportive of the rule and did not indicate any adverse impacts for pharmacies.

As stated in the BIA, there are no adverse impacts to business and upon review of the proposed rule and BIA, the CSI Office concurs.

Recommendations

For the reasons described above, the CSI Office has no recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Bureau should proceed with the formal filing of this rule package with JCARR.

cc: Stephen Buehrer, Administrator/CEO, Ohio Bureau of Workers' Compensation
Mark Hamlin, Lt. Governor's Office