ACTION: Final

DATE: 04/20/2018 8:33 AM

MEMORANDUM

TO: Aniko Nagy, Ohio Bureau of Worker's Compensation

FROM: Travis Butchello, Regulatory Policy Advocate

DATE: February 12, 2018

RE: **CSI Review – Outpatient Medication Formulary (OAC 4123-6-21.3)**

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 rule package consists of one amended rule proposed by the Ohio Bureau of Worker's Compensation (BWC). The rule package was submitted to the CSI Office on January 11, 2018 and the public comment period was held open through February 2, 2018. No comments were received during this time.

The rule and its appendix establish an outpatient medication formulary, which is a list of drugs that are approved for reimbursement when prescribed to treat conditions allowed in the claim. BWC proposes to remove some opiates from the approved drug list and replace them with opiate alternatives used to treat certain conditions. BWC states in the BIA that the public purpose of the rule is to improve efficiency and treatment for injured workers.

As part of the early stakeholder outreach process, BWC distributed the draft rule to its internal stakeholder list as well as BWC's managed care organizations and other medical associations throughout the state. During the outreach period, no input was provided by stakeholders.

No comments were submitted during the CSI public comment period.

The rule impacts both the prescriber and pharmacy business communities that are considered BWC providers. The BIA emphasizes that no additional adverse impact is created as a result of the amendment to the rule because the revisions do not change the process of prescribing or the dispensing and only establish which medications may be reimbursed.

Recommendation

For the reasons explained above, this office does not have any recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Ohio Bureau of Worker's Compensation Agency should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.