ACTION: Final

DATE: 12/31/2018 8:53 AM

MEMORANDUM

TO: Aniko Nagy, Ohio Bureau of Workers' Compensation

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: October 3, 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 Workers' Compensation (BWC). The rule package was submitted to the CSI Office on July 10, 2018 and the public comment period was held open through August 1, 2018. No comments were received during the CSI public comment period.

OAC 4123-6-21.3 establishes the outpatient medication formulary, a list of medications approved for reimbursement. The rule is being amended to change the effective date of the rule from May 1, 2018 to January 1, 2019. Changes are being made to the formulary appendix to add and remove medications from the formulary, as well as change the coverage requirements for certain medications.

During early stakeholder outreach, BWC sent the rule to relevant industry stakeholders, including managed care and employer organizations, professional associations, and government agencies. No comments were received from stakeholders during this time or during the CSI public comment

period.

The business community impacted by the rule includes prescribers and pharmacies. The adverse impact created by the rule primarily impacts businesses through time spent complying with the updated requirements of the rule. BWC notes in the BIA that prescribers and pharmacies are notified of changes to the formulary in advance. BWC states that the formulary offers businesses a concise list of approved medications and restrictions, which increases the efficiency and safety of prescribing.

Recommendations

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

Conclusion

Based on its review of the proposed rule package, the CSI Office recommends the Ohio Bureau of Workers' Compensation should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.