Ohio | Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Aniko Nagy, Ohio Bureau of Workers Compensation

FROM: Ethan Wittkorn, Regulatory Policy Advocate

DATE: **January 8, 2021**

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

On behalf of Lt. Governor Jon Husted, 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 Department as provided for in ORC 107.54.

Analysis

This Ohio Bureau of Workers Compensation (BWC) rule package consists of 1 amended rule. The rules were submitted to the CSI Office on December 11, 2020, and the public comment period was open through January 1, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on December 11, 2020.

The rule proposed in this package covers the BWC outpatient medication formulary. The formulary serves to list out drugs that are approved by the BWC for reimbursement to treat conditions allowed in a BWC claim. Originally established in 2011, the formulary is being updated to remove and add allowable medications.

Updates to the rules have been informed by the BWC Pharmacy and Therapeutics Committee. This committee assesses the merits of medications considered for addition to the formulary, as well as considering the inappropriate utilization of medications, FDA recommendations, and clinical and best practices, when considering a medication for removal. Several drugs have been removed that are either no longer on the marketplace, or that have been determined to be less effective by the FDA. Additionally, the BWC shared the proposed updates with several internal groups, managed

care organizations, self-insuring employers, the Ohio Association for Justice, employer groups, the Ohio Medical Board, and the Ohio Board of Pharmacy. No comments were submitted by these groups. Additionally, no comments were submitted during the CSI public comment period.

Communities effected by the rule include the BWC certified or enrolled providers that prescribe or dispense medication. The impact to these communities can include the time necessary to review the updated formulary and to implement the changes into a prescriber's regiment. The updates to the formulary are necessary to improve the efficiency and effectiveness of drug utilization by prescribers to BWC claimants and to address problems and impacts of drug coverage, such as availability, pricing, and updated federal regulations.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Bureau should proceed in filing the proposed rule with the Joint Committee on Agency Rule Review.