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, Business Advocate

DATE: **November 12, 2021**

RE: **CSI Review – Outpatient Medication Formulary and First Fill of Outpatient Medications (OAC 4123-6-21.3 and 4123-6-21.6)**

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 Bureau as provided for in ORC 107.54.

Analysis

This Ohio Bureau of Workers' Compensation (BWC) rule package consists of two amended rules. The rules were submitted to the CSI Office on October 6, 2021, and the public comment period was open through October 25, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on October 6, 2021.

The proposed rules establish the list of approved drugs for reimbursement by the BWC when prescribed to treat conditions allowed in a BWC claim. Amendments have been proposed to include antiretroviral drugs, to update allowable drug classes, and to update coverage to already allowable drug classes.

During the early stakeholder outreach period, the BWC sought comments from managed care organizations, the Ohio Association for Justice, BWC stakeholders, self-insured employers, third party administrators, the Ohio Council of Smaller Enterprises, the Ohio Manufacturers Association, the National Federation of Independent Business, and the Ohio Chamber of Commerce. Comments during this period included multiple comments of support. No further comments were submitted

during the CSI public comment period.

Impacted business communities include prescribers and pharmacies that dispense medication to injured workers. Potential adverse impacts include the devoted staff time necessary to implement the list of approved drugs and their reimbursement rates. The BWC believes that the impacts of the proposed rules are justified because the rules help to improve the efficiency of treatment for injured workers, as well as to address potentially abusive pricing practices.

Recommendations

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

Conclusion

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