Common Sense Initiative

Mike DeWine, *Governor* Jim Tressel, *Lt. Governor*

MEMORANDUM

TO: Eva Dixon, Ohio Bureau of Workers' Compensation

FROM: Jacob Ritzenthaler, Business Advocate

DATE: May 13, 2026

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

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 rule package consists of two amended rules proposed by the Ohio Bureau of Workers' Compensation (BWC). This rule package was submitted to the CSI Office on April 8, 2026, and the public comment period was held open through April 22, 2026. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on April 8, 2026.

Ohio Administrative Code (OAC) 4123-6-21.3 establishes an outpatient medication formulary that lists drugs approved for reimbursement when prescribed to treat allowed conditions. The formulary, which is included via appendix to the rule, includes amendments to add and remove medications from the formulary, as well as to change the coverage of certain medications already listed in the formulary. OAC 4123-6-21.6 sets forth requirements concerning reimbursement for the first fill of prescription medications prior to the initial determination. The rule is amended to include additional medications in the formulary.

During early stakeholder outreach, BWC sent the proposed rules to industry stakeholders for feedback, including managed care organizations, the Healthcare Quality Assurance Advisory Committee, the Ohio Association for Justice, the Council of Smaller Enterprises, the Ohio Manufacturers' Association, the National Federation of Independent Businesses, the Ohio Chamber of Commerce, and BWC's medical provider, employer, and third-party administrator distribution lists. No comments were received during that time or during the CSI public comment period.

The business community impacted by the rules includes prescribers and pharmacies that prescribe and dispense medication to injured workers. The adverse impacts created by the rules include requirements to submit documentation and evidence of medical necessity to BWC for short-term reimbursement of new drugs or dosages. First fill prescriptions must also be documented. BWC states that the adverse impacts are necessary to ensure the efficient treatment of injured workers.

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 rules with the Joint Committee on Agency Rule Review.