



November 11, 2016

Mr. Freddie Johnson
Ohio Bureau of Workers' Compensation
30 W. Spring St.
Columbus, Ohio 43216-2256
Via Email (Freddie.J.1@bwc.state.oh.us)

Re: Comments re. OAC 4123-5-18

Dear Mr. Johnson:

Thank you for the opportunity to provide comments on the BWC's proposed rule revision: OAC 4123-5-18 Medical Proof Required for Payment of Compensation.

Proposed Rule:

The new rule proposes that a Certified Nurse Practitioner (CNP), a clinical nurse specialist (CNS), or a physician assistant (PA) (collectively CNP, etc.) are permitted to sign a MEDCO-14 for an initial period of temporary disability up to, but not exceeding six weeks, and subsequent periods thereafter, so long as the subsequent periods of disability are co-signed by a licensed physician.

OMA Comment:

OMA understands that the intent for this rule change is to permit a CNP, etc. to opine on an injured workers' disability, and declare the individual temporarily and totally disabled in some cases, to expedite benefits to injured workers who are unable to be seen or treated by a licensed physician immediately following a work-related injury.

The proposed rule, as written, appears contrary to the intent of the proposal. As written, the rule permits CNP, etc. to rule on the issue of disability regarding an initial request for up to six weeks.

The proposed rule fails to define when "the initial" six weeks begins and could conceivably occur at any time in the two-year statute of limitations period in which an injured worker can bring a claim. If the intent of the rule is to provide immediate care and relief from work directly after the injury occurs, the rule should be rewritten to be tied to a specific timeframe after the date of injury and not just "an initial" period of TTD.

Finally the proposed rule also indicates after six weeks, a CNP, etc. is permitted to re-sign a MEDCO-14 *if* approved by a licensed physician. What this conveys is that a licensed physician still does not have to see or treat the claimant; he or she just needs to sign-off on the MEDCO-14. If the intent is that a physician actually "see" the patient to make a determination with

respect to the individual's extent of disability, we suggest that the rule be revised to reflect this intention, but we are mindful that no bureaucratic process should ever impede prompt, appropriate medical care and appropriate benefits.

As the BWC further develops these rules please include the OMA in these developments. We appreciate the opportunity to provide input and look forward to continuing to work with you on this issue. Please contact me at rbrundrett@ohiomfg.com or (614) 629-6814.

Sincerely,



Rob Brundrett
Director, Public Policy Services

CC: Kim Kline