

2017 Regular Session

HOUSE BILL NO. 592

BY REPRESENTATIVES TALBOT, BARRAS, DAVIS, AND LANCE HARRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WORKERS COMPENSATION: Provides for the creation of a workers' compensation pharmacy formulary

1 AN ACT

2 To amend and reenact R.S. 23:1203.1(B), (D)(introductory paragraph), (H), (I), (J)(1), (L),
3 and (M)(1), relative to workers' compensation; to provide for the promulgation of a
4 pharmacy formulary; to provide criteria for promulgation of the formulary; to
5 provide for certain automatic updates; to provide a variance for issues not
6 specifically addressed in the formulary; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:1203.1(B), (D)(introductory paragraph), (H), (I), (J)(1), (L), and
9 (M)(1) are hereby amended and reenacted to read as follows:

10 §1203.1. Definitions; medical treatment schedule; pharmacy formulary; medical
11 advisory council

12 * * *

13 B.(1) The director shall, through the office of workers' compensation
14 administration, promulgate rules in accordance with the Administrative Procedure
15 Act, R.S. 49:950 et seq., to establish a medical treatment schedule and a pharmacy
16 formulary.

17 ~~(1) Such rules shall be promulgated no later than January 1, 2011.~~

18 (2) ~~The~~ Both the medical treatment schedule and the pharmacy formulary
19 shall meet the criteria established in this Section. ~~and~~ The medical treatment

1 schedule shall be organized in an interdisciplinary manner by particular regions of
2 the body and organ systems.

3 (3) The content of the pharmacy formulary shall be the most recent version
4 of the Workers' Compensation Formulary of the Official Disability Guidelines
5 Appendix A: Treatment in Workers' Comp, published by Work Loss Data Institute.

6 (4) The rules and regulations necessary to establish a pharmacy formulary
7 shall be promulgated and the formulary adopted by January 1, 2018.

8 (5) In workers' compensation claims in which the date of injury takes place
9 on or after January 1, 2018, the pharmacy formulary shall be utilized for all drugs
10 prescribed or dispensed for outpatient use.

11 (6) In workers' compensation claims in which the date of injury takes place
12 prior to January 1, 2018, the pharmacy formulary shall be utilized for all refills and
13 new prescriptions prescribed or dispensed for outpatient use on and after July 1,
14 2018.

15 * * *

16 D. The medical treatment schedule and the pharmacy formulary shall be
17 based on guidelines which shall meet all of the following criteria:

18 * * *

19 H.(1) The director, with the assistance of the medical advisory council, is
20 authorized to review and update the medical treatment schedule ~~no less often than~~
21 at least once every two years. ~~Such~~ Any updates shall be made by ~~rules promulgated~~
22 ~~in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.~~
23 administrative rule. ~~In no event shall the~~ The schedule shall not contain multiple
24 guidelines ~~covering the same aspects~~ that address the same aspect of the same
25 medical condition ~~which are simultaneously in force.~~

26 (2) The pharmacy formulary shall be automatically updated with the most
27 recent version of the workers' compensation formulary, the Official Disability
28 Guidelines Appendix A; Treatment in Workers' Comp, published by the Work Loss

Proposed law provides that the pharmacy formulary shall be automatically updated with the most recent version of the Official Disability Guidelines, Appendix A; Treatment in Workers' Comp.

Present law provides that if the treatment required by the injured worker is not sufficiently addressed by the medical treatment guidelines, that the employer may demonstrate by preponderance of the scientific medical evidence that a variance is necessary. Proposed law retains present law and further requires that the pharmacy formulary will also be subject to a variance pursuant to the procedures in present law.

(Amends R.S. 23:1203.1(B), (D)(intro. para.), (H), (I), (J)(1), (L), and (M)(1))