

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 along with the associated supporting evidence and studies.

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

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

12 (6) In workers' compensation claims in which the date of injury takes place  
13 prior to January 1, 2018, the pharmacy formulary shall be utilized for all refills and  
14 new prescriptions prescribed or dispensed for outpatient use on and after July 1,  
15 2018.

16 \* \* \*

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

19 \* \* \*

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

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





Proposed law requires that the promulgation of the pharmacy formulary use the same criteria as used for the development of the medical treatment guidelines.

Proposed law provides that the formulary shall be, and shall be updated with, the most recent version of the Official Disability Guidelines, Appendix A; Treatment in Workers' Comp, along with the associated supported evidence and studies.

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))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill:

1. Provide that in addition to the formulary being developed and updated with the Official Disability Guidelines, Appendix A; Treatment in Workers' Comp, the accompanying supporting evidence and associated studies shall be included.
2. Provide that proposed law is enacted notwithstanding any other law or pharmacy formulary rule or regulation to the contrary.
3. Clarify that prior authorization for drugs as allowed by present law is a pharmacy or any other healthcare provider dispensing the drugs as provided in present law.
4. Change the choice of pharmacy from the discretion of the injured worker to as provided in present law.