
DIGEST

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HB 592 Reengrossed

2017 Regular Session

Talbot

Abstract: Provides for the creation of a pharmacy formulary for the treatment of injured workers in workers' compensation claims.

Present law requires the development of medical treatment guidelines for workers' compensation claims and requires a process for office of workers' compensation administration to review and promulgate rules and regulations to ensure proper care for the injured worker.

Proposed law retains present law and expands it by requiring the establishment of a pharmacy formulary.

Proposed law requires that the applicable rules be promulgated and the pharmacy formulary adopted by Jan. 1, 2018.

Proposed law requires that for claims in which the date of injury takes place on or after Jan. 1, 2018, the pharmacy formulary shall be utilized; and that for claims in which the date of injury takes place prior to Jan. 1, 2018, the pharmacy formulary shall be utilized on and after July 1, 2018.

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, studies, and parts of the guidelines specific to Appendix A.

Proposed law provides that any prior authorization of a pharmacy or healthcare provider dispensing drugs, regardless of classification or lack of classification, shall be in accordance with the provisions of present law (R.S. 23:1142).

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.

The House Floor Amendments to the engrossed bill:

1. Clarify that portions of the guidelines specific to Appendix A shall be taken into consideration in addition to the supporting evidence and studies specified in proposed law.
2. Clarify that drugs, regardless of classification or lack of classification, shall be dispensed in accordance with present law.
3. Make technical changes.