Workers' Comp

Arizona Governor Signs Workers' Compensation Opioid Legislation

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2 MIN READ

By Brian Allen, VP of Government Affairs

On March 26, 2018, Governor Doug Ducey signed SB1111. This legislation enacts new procedures when prescribing opioids to injured workers. The bill requires doctors who are treating injured workers to conform to the provisions in the Opioid Epidemic Act passed during a special session in January of 2018. SB1111 specifically calls out the new Article 4 of Title 32, Chapter 32, related to the new limits on opioid prescribing.

This bill also makes significant amendments to the Labor Code section dealing with the prescribing of opioids to injured workers. The legislation expands the requirements for justifying when an opioid is appropriate for an injured worker. Those requirements include conducting a physical exam, performing a substance abuse risk assessment, and obtaining informed consent from the injured worker.

The treatment plan section was also revised and now requires the inclusion of the frequency of face-to-face follow up visits, criteria and procedures for tapering and discontinuing the use of opioids, and a process for referring an injured worker for substance abuse or dependence treatment. The bill also amends the requirements for checking the controlled substances prescription monitoring program, now requiring the physician to obtain a patient utilization report from the database before prescribing an opioid analgesic or a benzodiazepine and then at least quarterly thereafter as long the medication continues to be prescribed.

The final section of the bill adds a directive to the Industrial Commission of Arizona to conduct a study and hold at least one public hearing regarding the reimbursement of medications dispensed in settings that are not accessible to the general public. These settings would include dispensing occurring in a physician's office, compounding pharmacies or other pharmacies that distribute from a warehouse or other facility not generally open to the public. The study and hearing should be concluded on or before July 1, 2019. The other provisions of the bill become effective on July 20, 2018.

Mitchell testified in favor of the bill in a Senate hearing. We do not anticipate any operational changes due to these new requirements beyond those that were required by the Opioid Epidemic Act passed in January. Our government affairs team will engage in the study and public hearing around the reimbursement for medications dispensed in non-public settings. We encourage stakeholders to engage as well. We will provide updates on the process as they become available.

The view SB1111, please click here.
For a complete text of the Opioid Epidemic Act (SB1001), please click here.

For questions regarding this legislation, or for other regulatory or legislative questions, please feel free to contact Brian Allen, vice president of government affairs at Brian.Allen@mitchell.com or at 801.661.2922.



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