Workers' Comp

Four States Looking at Drug Formularies

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More states are turning to drug formularies to help improve pharmacy care for injured workers and control costs. Early adopters such as Texas, Washington and Ohio have achieved positive results with their drug formularies.

Other topics that legislatures are looking at include opioids, directed care, medical and recreational marijuana, auto personal injury protection and workers' compensation reform.

Here are four states looking at formularies in early 2019.

Montana

Montana formally adopted a drug formulary for their workers' compensation system late last year. It is based on the ODG formulary and will become effective on April 1, 2019, for new claims.

Kentucky

Kentucky also adopted a workers' compensation drug formulary rule as 2018 drew to a close. Kentucky based their formulary on ODG. It will become effective for new claims on July 1, 2019.

New York

New York released a revised draft of their drug formulary on January 23, 2019. The new draft is a simplified version of the previous draft and is much improved.

- Based on the ACOEM formulary model, the New York formulary would have Phase A drugs for the first 30 days or until the claim is accepted.
- Phase B drugs start when Phase A ends.

- There are also drugs for the perioperative period, which begins four days before surgery and ends four days after surgery.
- Comments are being accepted by the Board until February 22, 2019.

Nebraska

Nebraska has introduced legislation, LB 487, which would create a drug formulary for their workers' compensation system, effective January 1, 2020. Similar bills have faced stiff opposition from the medical community in the past several years.

Without question, 2019 is shaping up to be a very interesting and active year on the legislative and regulatory fronts. Our government affairs team is actively engaged on critical issues around the country. As these legislative and regulatory initiatives advance, we will keep you posted on their progress and any pertinent changes as they occur.

If you have any questions or information about legislative and regulatory issues, please contact Brian Allen, Vice President of Government Affairs at Brian.Allen@mitchell.com or at 801-903-5754.



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