Workers' Comp

Two More States Look to Workers' Comp Drug Formularies

January 19, 2018
2 MIN READ
Author profile image

Brian Allen

Vice President, Government Affairs

Massachusetts

Governor Charlie Baker is the major sponsor behind H4033. This comprehensive legislation focuses on enhancing the state's efforts to mitigate the negative impact of opioids on their citizenry. The bill addresses a wide array of issues from treatment facilities to education. Included in the various provisions is language that would authorize the Department of Industrial Accidents to “establish a formulary of clinically appropriate medications...” for treating injured workers.

The bill language additionally says, “the department shall include as part of the formulary a complete list of medications that are approved for payment under this chapter, and any specific payment, prescribing, or dispensing controls associated with drugs on the list.”

The bill did not specify a timeframe for when the formulary had to be operational.

Indiana

Senator Randall Head recently introduced SB 369. His bill would direct the Indiana Workers' Compensation Board to adopt the Official Disability Guidelines (ODG) Appendix A Drug Formulary and to adopt rules for its implementation no later than January 1, 2019. The bill also provides for a transition period of 18 months for workers injured prior to January 1, 2019, to “enter into a written agreement concerning the use of the formulary…”

Both bills give broad latitude for the regulatory authority to craft rules for the implementation and ongoing operation of their respective drug formularies. Both bills are expected to encounter some opposition. We commend Massachusetts and Indiana for their ongoing efforts at combatting opioid abuse and overdose deaths in their states. Given the success of drug formularies that have been implemented around the country, we expect to see more states introduce similar proposals.

Complete text of Massachusetts H4033 can be found here.
Complete text of Indiana SB369 can be found here.



©2022 Enlyte Group, LLC.

mitchell | genex | coventry