Workers' Comp

Pennsylvania Governor Tom Wolf Announces Executive Action on Workers' Compensation Opioids

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On Thursday, April 26, 2018, Governor Wolf announced he will initiate an executive action to address the misuse and overprescribing of opioids in the Pennsylvania workers' compensation system.

The executive action will cover several critical areas of opioid controls for injured workers.

- The action will direct the departments of Health, Drug and Alcohol Programs and Labor and Industry to start a task force of physicians, nurses, employers, employees and other experts to create prescribing guidelines for injured workers.
- Training will be provided to workers' compensation judges and providers using utilization review organizations to create a greater sense of awareness about opioids, including the recognition and dangers of over prescribing opioids.
- The Governor is calling on legislative leaders to create statewide prescribing guidelines limiting opioid prescriptions to seven days.
- In addition to prescribing guidelines, the Department of Labor and Industry will be asked to conduct an extensive review of all opioid prescriptions in the State Workers' Compensation Insurance Fund.
- Topical compounded medications containing opioids will be the target of new regulations by Labor and Industry to limit reimbursement to the actual cost of ingredients.
    - The order does not address high-cost compounded medications that do not contain opioids.

- Workers' compensation prescriptions for scheduled drugs will be subject to the same review process in the Prescription Drug Monitoring Program outlined in the Governor's previous disaster declaration on opioids.
- The Department of Labor and Industry is currently reviewing medical billing data to identify potential over-prescribing of opioids and to report the identified prescribers to the Department of State for further investigation.
- The executive action will further promote the Certified Safety Committee program that offers a 5% premium discount to participating employers.
    - The training for the Safety Committee includes substance abuse awareness.

The announcement of the executive action coincides with Governor Wolf's veto of the heavily contested drug formulary bill, SB936. The measures in the action are a positive step forward but fall short of the additional and critical clinical controls that would come from a properly designed and implemented drug formulary. This is especially important for the over-prescribing or inappropriate prescribing on non-opioid medications and non-opioid topical compounds.

The announcement on the executive action can be found here.
The Governor's original disaster declaration on opioids can be found here. The declaration was renewed on April 10, 2018.
A complete text of SB936 can be found here.

For questions about this release, or other legislative or regulatory actions around the country, please contact Brian Allen at Brian.Allen@mitchell.com or at 801.903.5754.



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