Workers' Comp

PA Governor Wolfe Signs First Ever Disaster Declaration on Opioids

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On January 10, 2018, Pennsylvania Governor Tom Wolfe issued a statewide disaster declaration related to the opioid and heroin epidemic gripping the state. His disaster declaration is the first of its kind related to the opioid epidemic. President Trump declared a national public health emergency related to opioid abuse late last year but stopped short of declaring a national disaster.

In a statement to reporters, Governor Wolfe said, “I don't take this action lightly. We know this crisis has taken far too many lives, it has broken far too many families, and has decimated far too many communities, and gone on far too long.”

The declaration contains an outline of 13 initiatives designed to save lives by increasing access to necessary care and treatment.

- Establishes an Opioid Command Center at the Pennsylvania Emergency Management Agency
- Expands access to the Prescription Drug Monitoring Program to other commonwealth entities for clinical decision-making purposes
- Adds overdose and neonatal abstinence syndrome as reportable conditions to the PA department of Health
- Authorizes emergency purchase under the procurement code to maintain and expand services with the current drug and alcohol hotline vendor
- Expands the current standing order to enable emergency medical service providers to leave behind naloxone
- Allows pharmacists to partner with other organizations to increase access to naloxone
- Allows for the immediate temporary rescheduling of all fentanyl products to align with federal DEA scheduling while working toward a permanent change
- Authorizing emergency purchasing to expand the advanced body scanning pilot program
- Waives the face-to-face physician requirement for Narcotic Treatment Program admissions

- Expands access to medication assisted treatment (MAT) by permitting dosing at counseling centers to consolidate treatment options to increase and encourage access
- Waives annual licensing requirements for high-performing drug and alcohol treatment facilities
- Waives the fee for obtaining birth certificate documentation to access treatment if the person attests they are suffering from opioid use disorder
- Waives separate licensing requirements for hospitals and emergency departments to expand access to drug and alcohol treatment

An excerpt from the Governor's press release explains why he chose these 13 steps: “I routinely challenge all commonwealth agencies to think innovatively about how they continue to address the opioid epidemic and seek solutions that last long beyond our tenure in this building,” Governor Wolf said. “One such solution is to use the executive authority granted to me as the governor of this commonwealth to waive statutory regulations that create barriers to treatment and prevention, prevent first responders and others from saving lives, and reduce efficiency of our response.”

The Governor and the other agency leaders speaking at the press conference hope that the various departments and branches of Pennsylvania's government will focus and coordinate efforts to combat the opioid and heroin epidemic. Additionally, they hope the government will make more resources available to families and others working on the front line to help those suffering in this crisis.

The Mitchell government affairs team applauds this historic declaration by Governor Wolfe for focusing attention on opioid and heroin abuse and expanding access to needed treatment. In the workers' compensation arena, it is estimated that nearly half of all injured workers will receive a prescription for an opioid. The Pennsylvania House of Representatives is currently considering SB 936, legislation that would authorize the creation of a drug formulary to guide the treatment of injured workers. Drug formularies in Texas, Tennessee, Ohio and other states have proven to be successful in reducing the use of opioids by injured workers and helping them return to work more quickly. If you have an interest in the proposed legislation, we would encourage you to reach out to your contacts in the Pennsylvania legislature.

To access Governor Wolfe's press release and the declaration, please click here.

For information on SB 936, please click here.

For questions about this alert, or other regulatory or legislative issues, please contact Brian Allen at Brian.Allen@mitchell.com or at 801.661.2922.

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