Workers' Comp

Pennsylvania SB 936 Advances—Press Conference on Opioids Follows

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During a voting meeting on January 23, 2018, the Pennsylvania House Labor and Industry Committee passed out SB 936. This bill addresses a workers' compensation drug formulary and the vote fell along party lines.

As currently drafted, the bill directs the Department of Labor and Industry to select a nationally recognized, evidenced-based drug formulary for treating workplace injuries. There were two provisions in the bill that garnered much attention during the committee meeting. The first was the specific mention of limiting opioid prescriptions, and the second was a provision requiring an analysis of cost savings and a commensurate reduction in workers' compensation premiums to pass those savings on the Pennsylvania employers.

Opponents of the formulary asserted that too much of the focus of the bill was on saving money and restricting access to care. Proponents, however, noted that any cost savings should rightfully go back to employers in Pennsylvania to offset costs. The House sponsor also countered that while the bill does specifically mention opioids, the formulary will also help control the use of other prescription medications that are frequently over-prescribed or lack clinical evidence of efficacy. Some examples of these medications are benzodiazepines, compounded creams and muscle relaxants.

Opponents promised a vigorous floor fight. It is expected that SB 936 will be calendared for a floor vote in the next few weeks.

Later that same day, Speaker Mike Turzai hosted a press conference centered on the opioid epidemic in Pennsylvania. Brian Allen, Mitchell's VP of Government Affairs, was invited to stand with the Speaker and legislators during the press conference.

Speaker Turzai commended the Governor for his disaster proclamation but noted that it did not specifically address the opioid problem in the workers' compensation system. Speaker Turzai quoted the latest WCRI research report (June 2017) on opioid prescribing among 26 states, noting that Pennsylvania ranked in the number two spot for the rate of opioid prescribing to injured workers and the number of opioid pills prescribed per injury.

The press conference then focused on SB936 and the impact the proposed drug formulary could have on reducing the use of opioids and other problematic drugs in the workers' compensation system. Mitchell received an acknowledgment from the podium by Speaker Turzai for our efforts in advocating for appropriate opioid controls and in implementing drug formularies across the country.

In our experience, drug formularies like the one proposed in Pennsylvania have been effective in controlling the unnecessary use of opioids, compounded medications and other drugs in the workers' compensation system. For drugs that fall outside of widely accepted medical guidelines, the formulary acts as a “speed bump” to help ensure that proven methods have already been tried and that the recommended care is medically justified. A formulary is a great tool to help policy makers ensure that injured workers received not just any care, but the best and most appropriate care for their injuries.

View the full press conference here.

The information page for SB936 can be viewed here.

The House Republican Caucus report on the press conference can be found here.

WCRI members can view the report here.



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