



# IWP

The Patient Advocate Pharmacy®

March 8, 2019

## State of the States



Pennsylvania

On Wednesday, the Pennsylvania House Labor and Industry Committee held a hearing regarding opioids and workers' compensation. During the hearing, the Committee explored efforts the Governor had taken to combat the opioid epidemic and members of the executive branch testified that they've seen a decrease in workers' comp patients being prescribed or currently on opioids since the Governor's action. The Workers' Compensation Research Institute also testified to give an overview of opioid prescribing in workers' compensation.



Nebraska

Monday, the Nebraska legislature hosted a public hearing on [LB 487](#), a bill to establish a workers' comp drug formulary. While insurance carriers remain supportive of a formulary, many

stakeholders testified that it may not be necessary given actions the state has already taken regarding the opioid epidemic, including expanded use of the PDMP. Concerns remain among medical providers that the focus of the formulary is opioids, but any formulary, even ODG, would limit access to necessary and needed medications for injured workers.



Florida

This week, Senator Keith Perry, introduced [SB 1636](#) in the Florida Senate. The bill attempts to make changes to the state's workers' comp system, many of which were disrupted by the 2016 court rulings. Among the provisions, the bill would reinstate attorney fee caps thrown out by the court back in 2016. It remains unclear how far the bill would move as many legislators seem reluctant to take on a workers' comp battle as insurance rates continue to decrease.



Kansas

Thursday, the Kansas Supreme Court [agreed](#) to hear a case regarding the use of the sixth edition of the AMA guidelines for impairment ratings. Last August, the state's appeals court held the use of the sixth edition was unconstitutional. As a result of the ruling, the state resumed using the fourth edition of the AMA guidelines. A date for oral arguments has not yet been set.



Kentucky

On Monday, the Kentucky House unanimously passed [HB 342](#), an electronic prescribing bill. If passed, the law would mandate the use of electronic prescribing for all controlled substances in the state beginning January 1, 2021. The Senate has 21 days left in the session to consider the bill.

# State of the States



The Texas Division of Workers' Compensation released their 2018 Employer

Participation **Report** finding that employer participation in the state's workers' comp system is dropping. As of 2018, the employer subscription rate in Texas is 72%, down from 78% in 2016. While non-subscriber numbers increased for small employers, large employer numbers remain stable. Texas is the only state that allows private

employers the ability to "opt-out" of purchasing workers' comp insurance.



Last week, the New Mexico House voted 58-4 to pass **HB 324**. The bill would add

PTSD to the list of presumed work injuries for first responders. If passed by the Senate, PTSD would join the list of several cancers that are currently included in the state's presumption list.

## Where in the U.S.A. is Danielle?

Danielle will be in the home office next week.



## Article of Interest

With thousands of lawsuits filed across the country, OxyContin manufacturer Purdue Pharma is **exploring** filing for bankruptcy to address the lawsuits accusing the company of using deceptive marketing practices to exaggerate the benefits of opioids while ignoring the risks associated with them. If Purdue files for bankruptcy, pending litigation will cease and the company will be granted more time to negotiate with plaintiffs to settle the claims.

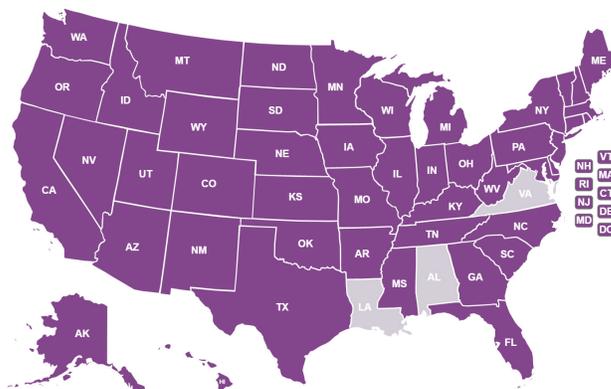
## Questions, Concerns, Suggestions? Let Us Know.

Danielle Jaffee, Esq.  
Director of Legal and Government Affairs  
djaffee@iwpharmacy.com  
www.iwpharmacy.com/about-iwp/government-affairs

## States in Session

Powered by **FiscalNote**

■ In Session ■ Out of Session ■ In Special Session



978.770.8047

