



August 3, 2018

# State of the States



On Wednesday, as the Massachusetts regular legislative session came to an end, a heavily edited opioid bill was finally sent to Governor Baker for his signature. [H. 4742](#) requires electronic prescribing of all controlled substances. Provisions of the bill that would have adopted an opioid only workers' comp drug formulary were removed by legislators prior to sending the bill to the Governor.



On Monday, the workers' comp drug formulary Regulatory Advisory Council held their third meeting to continue discussions regarding the drug formulary regulations. At the meeting, members of the Council discussed Montana's regulatory model, as well as the potential inclusion of a first fill policy under Kentucky's drug

formulary. In addition, on Tuesday, the Department held a fee schedule stakeholder meeting to discuss potential changes to the state's pharmacy fee schedule in an attempt by the Department to eliminate confusion regarding the definition of "wholesale" in the state's regulations.



On Monday, a federal [lawsuit](#) was filed against Chicago Mayor Rahm Emanuel and Chicago City Alderman, Edmund Burke. The lawsuit alleges significant corruption in the city's workers' comp program, resulting in favored employees receiving benefits for longer than necessary while benefits are shut off for whistleblowers and other "unfavored" employees. The lawsuit also alleges Burke has illegally administered the city's self-insured workers' comp system for 30 years and control of the fund should be moved to the Mayor's office.



A new bill, [House Resolution 6619](#), was introduced in the U.S. House of Representatives that would address Medicare Set-Aside Agreements (MSAs). The bill, nearly identical to S. 3079 in the U.S. Senate, would establish clear criteria for determining the amounts to be set-aside, provide a formal appeals process, and would require Medicare to recognize provisions of state workers' comp laws to provide certainty to MSA beneficiaries.



