

2017 Regular Session

HOUSE BILL NO. 529

BY REPRESENTATIVE BROADWATER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WORKERS COMPENSATION: Provides for a workers' compensation closed pharmacy formulary

1 AN ACT

2 To amend and reenact R.S. 23:1203.1(B), (D)(introductory paragraph), (H), (I), (J)(1), (L),
3 and (M), relative to workers' compensation; to provide for the creation of a closed
4 pharmacy formulary; to provide for the criteria for the creation and content of the
5 formulary; to provide for variances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1203.1(B), (D)(introductory paragraph), (H), (I), (J)(1), (L), and
8 (M) hereby amended and reenacted to read as follows:

9 §1203.1. Definitions; medical treatment schedule; medical advisory council; closed
10 pharmacy formulary

11 * * *

12 B. The director shall, through the office of workers' compensation
13 administration, promulgate rules in accordance with the Administrative Procedure
14 Act, R.S. 49:950 et seq., to establish a medical treatment schedule and a closed
15 pharmacy formulary within the medical treatment guidelines.

16 ~~(1) Such rules shall be promulgated.~~

17 ~~(2)~~ (1) The medical treatment schedule and the closed pharmacy formulary
18 within the medical treatment guidelines shall meet the criteria established in this
19 Section and shall be organized in an interdisciplinary manner by particular regions
20 of the body and organ systems.

1 23:1203 et seq., by the employer to the employee shall mean care, services, and
 2 treatment in accordance with the medical treatment schedule and the closed
 3 pharmacy formulary. Medical care, services, and treatment that varies from the
 4 promulgated medical treatment schedule or the closed pharmacy formulary shall also
 5 be due by the employer when it is demonstrated to the medical director of the office
 6 by a preponderance of the scientific medical evidence, that a variance from the
 7 medical treatment schedule or the closed pharmacy formulary is reasonably required
 8 to cure or relieve the injured worker from the effects of the injury or occupational
 9 disease given the circumstances.

10 J.(1) After a medical provider has submitted to the payor the request for
 11 authorization and the information required by the Louisiana Administrative Code,
 12 Title 40, Chapter 27, the payor shall notify the medical provider of their action on
 13 the request within five business days of receipt of the request. If any dispute arises
 14 ~~after January 1, 2011~~, as to whether the recommended care, services, or treatment is
 15 in accordance with the medical treatment schedule or the closed pharmacy
 16 formulary, or whether a variance from the medical treatment schedule or the closed
 17 pharmacy formulary is reasonably required as contemplated in Subsection I of this
 18 Section, any aggrieved party shall file, within fifteen calendar days, an appeal with
 19 the office of workers' compensation administration medical director or associate
 20 medical director on a form promulgated by the director. The medical director or
 21 associate medical director shall render a decision as soon as is practicable, but in no
 22 event, not more than thirty calendar days from the date of filing.

23 * * *

24 L. It is the intent of the legislature that, with the establishment and
 25 enforcement of the medical treatment schedule and the closed pharmacy formulary,
 26 medical and surgical treatment, hospital care, and other ~~health care~~ healthcare
 27 provider services shall be delivered in an efficient and timely manner to ~~injured~~
 28 ~~employees~~ an injured worker.

preponderance of the scientific medical evidence that a variance is necessary. Proposed law retains present law and adds to this exception, along with the medical treatment guidelines, that the pharmacy formulary will also be subject to a variance pursuant to the procedures in present law.

(Amends R.S. 23:1203.1(B), (D)(intro. para.), (H), (I), (J)(1), (L), and (M))