TO: The Honorable Members of the Pennsylvania House
FROM: Gene Barr, President and CEO
DATE: April 10, 2018
RE: Workers’ comp drug formulary – support from organized labor, among others

Lawmakers in states as ideologically diverse as California and Texas have recognized that injured workers are not immune from the prescription drug and opioid crisis, and have put politics aside to help fight this epidemic by passing workers’ compensation prescription drug formulary legislation.

In California, AB 1124, legislation similar to S.B. 936, was passed with broad bipartisan support and signed by Gov. Jerry Brown in Oct. 2015. Among the many groups who endorsed the new law was the California Labor Federation, which was quoted in an article:

“AB 1124 will reduce unnecessary costs within the workers’ compensation system while specifically protecting an injured worker’s right to any medically necessary prescription drugs,” said Mitch Seaman of the California Labor Federation. “In addition, the bill guarantees timely formulary updates as new drugs become available and a phased implementation for workers injured prior to the bill’s effective date. We applaud the work of the author, the Department of Industrial Relations, and the broad coalition of workers’ compensation stakeholders, and we look forward to remaining closely involved as the formulary works its way through the regulatory process.”

In Dec. 2017, California’s Division of Workers’ Compensation announced final approval of their prescription drug formulary for injured workers. According to the DWC Administrative Director:

“The adoption of the drug formulary is a step forward for California’s injured workers and should help address the overuse of high-risk medications such as opioids. It is expected to improve patient care and ease approval of appropriate treatment.”

Our own Pennsylvania Secretary of Human Services agreed that drug formularies are a “valuable and necessary tool in administering” private insurance and public programs like CHIP and Medicaid, saying “I think our experts would say that that’s the case.”

While those opposing S.B. 936 continue their tactics of delay and mislead, House members ought to recognize that the benefits of S.B. 936 are not based on theory: it is indisputable
that this legislation has helped workers by reducing abuse and addiction; it’s been broadly supported and passed in ideologically diverse states all over the country; and no state has ever sought to reverse course, in fact many states continue to report progress and tout the benefits of their formulary years after passage.

Pennsylvania can and should eventually be one of those states. We urge you to support S.B. 936.