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The Patient Advocate Pharmacy®

August 23, 2019

State of the States



New Hampshire

This week, the New Hampshire Supreme Court **ruled** that an insurance carrier is not liable for the death of

an injured worker who died of a heroine and oxycodone overdose after being prescribed opioids for his injury. After his death, his widow filed for death benefits with the workers' comp insurer. The claim was rejected by the insurer and the New Hampshire Compensation Appeals Board who found the amount of oxycodone consumed at time of death was inconsistent with his prescribed dosage.



New York

After formally adopting regulations for the workers' comp drug formulary back in June, the Workers'

Compensation Board (WCB) **announced** official implementation dates. Beginning

December 5, 2019, all new prescriptions must comply with the drug formulary and by June 5, 2020 all prescriptions will be subject to the formulary. The regulations also state insurers, self-insured employers, and TPAs must notify injured workers and providers by December 5, 2019 if an injured worker is currently on a non-formulary medication.



California

California is considering a bill to provide workers' comp coverage for PTSD to police and firefighters, but the

bill faced significant changes this week via Senator Henry Stern's (D) amendments. With the changes, **SB 542** would go into effect January 1, 2020 instead of retroactively applying for all claims filed or pending since 2017. Additionally, the amendment would end the coverage for PTSD on January 1, 2025 unless the legislature acts again before 2025 to make it permanent.



National

The first opioid trial is expected to **conclude** on Monday. Judge Balkman, who is overseeing the Oklahoma Attorney General's lawsuit against Johnson & Johnson over claims they fueled the opioid epidemic, will issue his decision regarding J&J's liability after a seven week trial. The Oklahoma case is the first of thousands of opioid cases filed against opioid manufacturers to actually make it to trial.



State of the States



Last week, Governor J.B. Pritzker (D) signed into law **HB 2301** which would guarantee labor

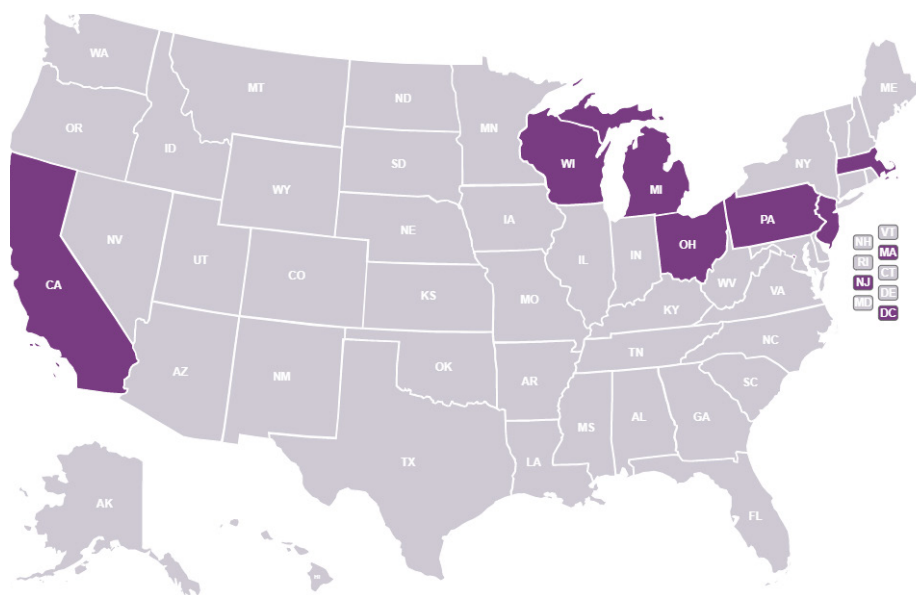
organizations a seat on the Workers' Compensation Commission Appeals Board. The new law requires an employee

representative from a labor organization or an attorney who represents labor organizations to serve on the three-member panels that hear claim disputes. The law comes after employee and union criticism that former Governor Bruce Rauner stacked the deck against employees by appointing anti-union representatives to the Commission.

States in Session

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■ In Session ■ Out of Session ■ In Special Session



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

Danielle will be in the home office next week.



Questions, Concerns, Suggestions? Let Us Know.

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