

AMENDMENTS TO SENATE BILL NO. 936

Sponsor: SENATOR STREET

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1 Amend Bill, page 1, lines 1 through 9, by striking out all of
2 said lines and inserting

3 Amending the act of June 2, 1915 (P.L.736, No.338), entitled
4 "An act defining the liability of an employer to pay damages
5 for injuries received by an employe in the course of
6 employment; establishing an elective schedule of
7 compensation; providing procedure for the determination of
8 liability and compensation thereunder; and prescribing
9 penalties," in interpretation and definitions, further
10 providing for definitions; and, in liability and
11 compensation, further providing for schedule of compensation.

12 Amend Bill, page 1, lines 12 through 21; pages 2 through 7,
13 lines 1 through 30; page 8, lines 1 through 13; by striking out
14 all of said lines on said pages and inserting

15 Section 1. Section 109 of the act of June 2, 1915 (P.L.736,
16 No.338), known as the Workers' Compensation Act, is amended by
17 adding a definition to read:

18 Section 109. In addition to the definitions set forth in
19 this article, the following words and phrases when used in this
20 act shall have the meanings given to them in this section unless
21 the context clearly indicates otherwise:

22 * * *

23 "Preferred drug list" means the Department of Human Services
24 Preferred Drug List.

25 * * *

26 Section 2. Section 306(c)(22) and (f.1)(3)(vi)(A) of the act
27 are amended, paragraph (3)(vi) is amended by adding provisions
28 and paragraph (3) is amended by adding a subclause to read:

29 Section 306. The following schedule of compensation is
30 hereby established:

31 * * *

32 (c) For all disability resulting from permanent injuries of
33 the following classes, the compensation shall be exclusively as
34 follows:

35 * * *

1 (22) For serious and permanent disfigurement of [the head,
2 neck or face] exposed areas of the body, of such a character as
3 to produce an unsightly appearance, and such as is not usually
4 incident to the employment, sixty-six and two-thirds per centum
5 of wages not to exceed [two hundred seventy-five weeks.] four
6 hundred weeks. Disfigurement benefits paid to the injured worker
7 shall be made separate and apart from total or partial
8 disability. A claimant is not precluded from collecting both
9 total or partial disability benefits and a disfigurement benefit
10 simultaneously.

11 * * *

12 (f.1) * * *

13 (3) * * *

14 (vi) (A) [The] Except for provision (N), the reimbursement
15 for drugs and professional pharmaceutical services shall be
16 limited to one hundred ten per centum of the average wholesale
17 price (AWP) of the product, calculated on a per unit basis, as
18 of the date of dispensing.

19 * * *

20 (J) No treating health care provider shall prescribe an
21 opioid to an injured employe unless the provider has ensured
22 that the opioid is on the preferred drug list and the provider
23 has:

24 (I) accessed the Pennsylvania Prescription Drug Monitoring
25 Program to review the employe's controlled substance
26 prescription medication history;

27 (II) consulted with the patient regarding all reasonable and
28 available non-opioid treatment options; and

29 (III) informed the patient of the risks associated with the
30 prescribed opioid.

31 (K) The department shall ensure that the preferred drug list
32 is available through the department's publicly accessible
33 Internet website for reference by physicians and the general
34 public.

35 (L) The prescription of drugs that is consistent with or
36 recommended by the preferred drug list shall be considered
37 reasonable and necessary for the purposes of paragraph (6).
38 Except in cases of medical necessity under provision (M), the
39 prescription of drugs that is not consistent with or recommended
40 by the preferred drug list shall not be considered reasonable
41 and necessary for the purposes of paragraph (6).

42 (M) The prescription of drugs that is not consistent with or
43 recommended by the preferred drug list may only be considered
44 reasonable and necessary for the purposes of paragraph (6) if
45 the treating health care provider has submitted documentation of
46 medical necessity to the insurer or self-insured employer at the
47 time of the initial prescription. The documentation of medical
48 necessity shall be on a form prescribed by the department.

49 (N) The reimbursement for any compounded medication used
50 topically to treat pain or for pain management shall be limited
51 to one hundred ten per centum of the actual cost.

1 * * *

2 (ix) Within eighteen (18) calendar months following the
3 effective date of this subclause, the Pennsylvania Compensation
4 Ratings Bureau shall calculate the savings achieved through the
5 implementation of this subclause. For the calendar year
6 immediately following this calculation, the amount of savings
7 shall be used to provide an immediate reduction in rates, equal
8 to the savings applicable to employers' workers' compensation
9 policies.

10 * * *

11 Section 3. This act shall take effect in 60 days.