

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1846 Session of 2013

INTRODUCED BY QUINN, MACKENZIE, TURZAI, DIGIROLAMO, BARBIN, COHEN, EVANKOVICH, EVERETT, GERGELY, GINGRICH, GODSHALL, HARHART, MILLARD, R. MILLER, MILNE, NEILSON, OBERLANDER, ROZZI, SAYLOR, SWANGER, WATSON AND KAMPF, NOVEMBER 18, 2013

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 2, 2014

AN ACT

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

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 306(f.1) (3) (vi) of the act of June 2,
12 1915 (P.L.736, No.338), known as the Workers' Compensation Act,
13 reenacted and amended June 21, 1939 (P.L.520, No.281) and
14 amended June 24, 1996 (P.L.350, No.57), is amended to read:

15 Section 306. The following schedule of compensation is
16 hereby established:

17 \* \* \*

18 (f.1) \* \* \*

19 (3) \* \* \*

1 (vi) (A) The reimbursement for [prescription] drugs and  
2 professional pharmaceutical services shall be limited to one  
3 hundred [ten] per centum of the average wholesale price (AWP) of <--  
4 the product, calculated on a per unit basis, as of the date of  
5 dispensing.

6 (B) A physician seeking reimbursement for drugs dispensed by  
7 a physician shall include the original manufacturer's National  
8 Drug Code (NDC) number, as assigned by the Food and Drug  
9 Administration, on the bills and reports required under this  
10 section.

11 (C) In no event may a physician seek reimbursement in excess  
12 of one hundred ~~ten~~ per centum of the AWP of the drugs dispensed <--  
13 by a physician as determined by reference to the original  
14 manufacturer's NDC number.

15 (D) A repackaged NDC number may not be used and will not be  
16 considered the original manufacturer's NDC number. If a  
17 physician seeking reimbursement for drugs dispensed by a  
18 physician does not include the original manufacturer's NDC  
19 number on the bills and reports required by this section,  
20 reimbursement shall be limited to one hundred ~~ten~~ per centum of <--  
21 the AWP of the least expensive clinically equivalent drug,  
22 calculated on a per unit basis.

23 (E) No outpatient provider, other than a ~~licensed~~ pharmacy <--  
24 LICENSED IN THIS COMMONWEALTH OR ANOTHER STATE, may seek <--  
25 reimbursement for drugs dispensed in excess of an initial ~~five~~ <--  
26 ~~day~~ FIFTEEN-DAY supply, commencing upon the employe's initial <--  
27 treatment following injury. Reimbursement shall be made for such  
28 ~~five-day~~ FIFTEEN-DAY supply at the rates set forth in this <--  
29 section.

30 (F) NO OUTPATIENT PROVIDER, OTHER THAN A PHARMACY LICENSED <--

1 IN THIS COMMONWEALTH OR ANOTHER STATE, MAY SEEK REIMBURSEMENT  
2 FOR AN OVER-THE-COUNTER DRUG.

3 ~~(F)~~ (G) For purposes of this subclause, clinical <--  
4 equivalence, in reference to a drug, means the drug has chemical  
5 equivalents which, when administered in the same amounts, will  
6 provide essentially the same therapeutic effect as measured by  
7 the control of a symptom or a disease.

8 \* \* \*

9 Section 2. This act shall take effect in 60 days.