

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

SENATOR BAKER, LABOR AND INDUSTRY, IN SENATE, AS AMENDED, JULY 1, 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 pharmacy licensed <--~~  
24 ~~in this Commonwealth or another state, may seek reimbursement~~  
25 ~~for drugs dispensed in excess of an initial fifteen day supply,~~  
26 ~~commencing upon the employe's initial treatment following~~  
27 ~~injury. Reimbursement shall be made for such fifteen day supply~~  
28 ~~at the rates set forth in this section.~~

29 (E) NO OUTPATIENT PROVIDER, OTHER THAN A PHARMACY LICENSED <--  
30 IN THIS COMMONWEALTH OR ANOTHER STATE, MAY DO ANY OF THE

1 FOLLOWING:

2 (I) SEEK REIMBURSEMENT FOR A DRUG LISTED ON SCHEDULE II IN  
3 SECTION 4(2) OF THE ACT OF APRIL 14, 1972 (P.L.233, NO.64),  
4 KNOWN AS THE "CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC  
5 ACT," DISPENSED IN EXCESS OF AN INITIAL SEVEN-DAY SUPPLY,  
6 COMMENCING UPON THE EMPLOYE'S INITIAL TREATMENT BY A HEALTH CARE  
7 PROVIDER UNDER THE PARTICULAR WORKERS' COMPENSATION CLAIM  
8 NUMBER. SHOULD THE EMPLOYE REQUIRE SURGERY, AN ADDITIONAL  
9 FIFTEEN-DAY SUPPLY CAN BE DISPENSED COMMENCING ON THE DATE OF  
10 SURGERY.

11 (II) SEEK REIMBURSEMENT FOR A DRUG LISTED ON SCHEDULE III IN  
12 SECTION 4(2) OF THE "CONTROLLED SUBSTANCE, DRUG, DEVICE AND  
13 COSMETIC ACT," WHICH CONTAINS HYDROCODONE DISPENSED IN EXCESS OF  
14 AN INITIAL SEVEN-DAY SUPPLY, COMMENCING UPON THE EMPLOYE'S  
15 INITIAL TREATMENT BY A HEALTH CARE PROVIDER UNDER THE PARTICULAR  
16 WORKERS' COMPENSATION CLAIM NUMBER.

17 (III) SEEK REIMBURSEMENT FOR ANY OTHER DRUG DISPENSED IN  
18 EXCESS OF AN INITIAL TWENTY-DAY SUPPLY, COMMENCING UPON THE  
19 EMPLOYE'S INITIAL TREATMENT BY A HEALTH CARE PROVIDER UNDER THE  
20 PARTICULAR WORKERS' COMPENSATION CLAIM NUMBER.

21 (IV) REIMBURSEMENT FOR ALL DRUGS DISPENSED IN ACCORDANCE  
22 WITH THIS SUBSECTION SHALL BE MADE AT THE RATES SET FORTH IN  
23 THIS SECTION.

24 (F) No outpatient provider, other than a pharmacy licensed  
25 in this Commonwealth or another state, may seek reimbursement  
26 for an over-the-counter drug.

27 (G) THE WORKERS' COMPENSATION ADVISORY COUNCIL SHALL  
28 ANNUALLY CONDUCT A STUDY OF THE IMPACT OF THIS SUBCLAUSE,  
29 INCLUDING CALCULATION OF THE SAVINGS ACHIEVED IN THE DISPENSING  
30 OF PHARMACEUTICALS.

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