



BULLETIN

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On Monday of this week, the Division of Workers' Compensation submitted regulations governing the long-awaited California workers' compensation Medical Treatment Utilization Schedule (MTUS) Prescription Drug Formulary to the Office of Administrative Law (OAL) for review and approval – which is likely to be the final step in the adoption process prior to the filing of the regulations with the Secretary of State.

The adoption of a workers' compensation prescription drug formulary was mandated by AB 1124, passed by state lawmakers and signed by Governor Brown in October 2015. After receiving input via public forums, the DWC released a draft of the Formulary regulations in March of this year, then made further modifications following multiple public comment periods and public hearings. Ultimately, the DWC decided to postpone the implementation of the Formulary from the originally scheduled July 1, 2017 effective date in order to address outstanding issues and allow time for the community to get up to speed on the regulations and requirements, and to make necessary adjustments to their systems. The regulations submitted to OAL this week call for a January 1, 2018 effective date.

As currently proposed, the MTUS Drug Formulary is based on ACOEM's evidence-based treatment guidelines. The MTUS Drug List includes "Exempt" drugs that treating doctors will be able to prescribe in accordance with the MTUS treatment guidelines without prospective review, and "Non-Exempt" drugs that will be subject to prospective review. The regulations include rules that will allow treating physicians to prescribe a limited quantity of certain drugs (including narcotic pain medications) for Special Fills and Perioperative Fills. In order to preclude abrupt, potentially harmful changes in their drug treatment regimen, the proposed rules also require treating physicians to submit a report no later than April 1, 2018 with their plan to safely wean or transition workers who were injured before January 1, 2018 to medically necessary Exempt drugs; alternatively, the physician must submit a report explaining why a change in the injured worker's drug treatment is not medically appropriate.

CWCI has posted copies of the materials submitted by the DWC to OAL this week in the Regulatory section of our website, www.cwci.org/regulatory.html. These include the text of the regulations, the drug lists, tables listing the comments received during the public comment periods and DWC's responses, and the Pharmacy and Therapeutics Committee forms.

Because the effective date is just over two months away, CWCI also has posted a 90-minute webinar, **Focus on the Formulary**, to help workers' compensation claims, medical care, and legal professionals understand what to expect from the Formulary. The program, originally presented on October 4 by CWCI President Alex Swedlow, General Counsel Ellen Sims Langille, and Claims & Medical Director Denise Niber, was recorded and is now available as an on-demand webinar, which is **free** to CWCI members, **\$50** for nonmembers. For further information on the webinar, please go to www.cwci.org/conferences.html.

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