

A Drug Formulary for Louisiana?



[Mark Pew](#)

National speaker & author on the intersection of chronic pain and appropriate treatment | Senior Vice President of PRIUM

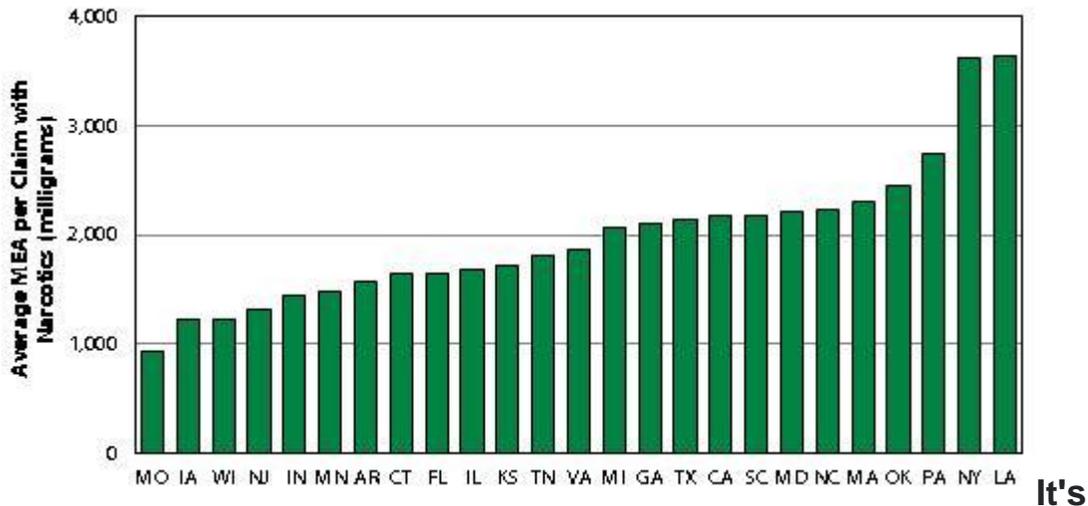
[Rep. Chris Broadwater](#) is one of the sponsors of several Work Comp reforms in Louisiana, including **HB 725** that would create a drug formulary to be effective July 1, 2017 (interestingly, the same date by which the [California drug formulary](#) must be implemented). According to a [WorkCompCentral article this morning](#), Rep. Broadwater is apparently presenting the rationale for these reform bills to the Governor's Workers' Compensation Advisory Council on March 24. But he does not anticipate the process being easy. To quote, "Based upon the makeup of the Senate Labor Committee and the House Labor Committee, I think everyone generally agrees that, in most cases, it will be difficult to pass any bill unless the parties negotiate a compromise bill."

Which does not come as a surprise to me. Change is never easy. Especially in Louisiana. But I have hope.

I had the privilege of speaking at the [LASIE annual conference](#) on November 6, 2015 on "*Regulating Opioid Use in the WC System - Its Effect on the Claimant, the Claim, the MSA and Return-to-Work.*" My co-presenter was Matt Foster, PharmD with Helios, and we had a conversation in front of 112 attendees on the implications of dangerous polypharmacy regimens to the employee, employer and the system.

The day before Matt and I spoke, then-Director of the Office of Workers' Compensation [Patrick Robinson](#) (now Work Comp Judge) made an excellent

presentation on the need for reforms. Especially in regards to opioids. He quoted a WCRI study entitled "[Interstate Variations in Use of Narcotics 2nd Edition](#)" that highlighted Louisiana as one of the highest states within the study in the amount of narcotics per claim. [According to a corresponding story on CFO.com](#), Louisiana and New York averaged more than 3,600 milligrams of morphine-equivalence, double the number in the typical state. So how does that look on a graph?



fairly obvious Louisiana has an opioid problem in Work Comp!

In building the case for a drug formulary in his presentation, one of his subsequent slides pulled a quote from my "[A Formulary for Success](#)" article on Claims Management magazine. From there, he outlined, very specifically, what he was proposing as a drug formulary. I have compared his content with the current HB 725, and his vision is intact:

- Adopts, in perpetuity, Official Disability Guidelines Appendix A as the source of the drug list and corresponding evidence
- Allows the Medical Advisory Council to review and recommend that ODG updates be amended or not accepted (so, there's "local control"), but only based on "higher ranking scientific medical evidence"

There are no details in HB 725 on the process for implementation, the dispute resolution process, or how to handle "legacy" claim transition. That follows a best practice elsewhere to use legislation as the starting point and leaving the

details to be ironed out in the rule-making process. However, there is an extremely important section that will help ensure those details are addressed:

*"Prior to the adoption of the closed pharmacy formulary
, the director shall
engage with employers, insurers, private sector employee representatives
, public
sector employee representatives, treating physicians actively practicing m
edicine,
pharmacists, pharmacy benefit managers, attorneys who represent applic
ants, injured workers, and any other stakeholder the director deems
appropriate to facilitate the development of the formulary"*

The need for a transparent and inclusive dialogue between all stakeholders should not be underestimated. This is an absolute must to ensure every voice is heard. While not every opinion needs to be accommodated, it is extremely important in the art of compromise that every conceivable angle is considered to make a dent in the prescription drug problem in Louisiana for the benefit of the *injured workers*. After all, the only two stakeholders in Work Comp that really matter are the employees and employers.

I can't summarize it better than the "drop the mic" moment from Judge Robinson - "**Against formularies? Propose a better solution.**"

So ... Louisiana ... Get started!