

By: Van de Putte, Harris, Ratliff

S.C.R. No. 48

1 SENATE CONCURRENT RESOLUTION

2 WHEREAS, The integrity of the Texas workers' compensation
3 system must be protected so that injured workers have ready access
4 to medically necessary health care services, including medically
5 necessary prescription drugs; and

6 WHEREAS, The current statutory, regulatory, and
7 administrative guidelines for determining payment amounts for
8 prescription drugs under the Labor Code are vague and do not provide
9 fair notice to providers and workers' compensation insurance
10 carriers regarding the amounts to be billed and paid; and

11 WHEREAS, The methodology for determining payment amounts for
12 prescription drugs under state law should be clearly defined and
13 should not be in excess of the amount charged for similar treatment
14 of an injured individual of an equivalent standard of living and
15 paid by that individual or by someone acting on that individual's
16 behalf; and

17 WHEREAS, In order to ensure the presence of a reliable
18 network of pharmacy providers and workers' compensation insurance
19 carriers for injured workers in Texas, the procedures for
20 presenting and processing claims for prescription drugs under the
21 Labor Code should be made more efficient and less burdensome on
22 insurance carriers and pharmacy providers; and

23 WHEREAS, Workers' compensation insurance carriers and
24 pharmacy providers throughout Texas are working collaboratively

1 toward the goals set forth in this resolution; now, therefore, be it

2 RESOLVED, That the 78th Legislature of the State of Texas
3 hereby direct the Texas Workers' Compensation Commission to
4 consider a rulemaking petition based on a study funded by
5 collaborative efforts of workers' compensation insurance carriers
6 and pharmacy providers and designed to determine pharmacy fees paid
7 by other payors and administrative costs and expenses incurred by
8 pharmacy providers to process claims and payments for prescription
9 drugs provided to individuals under the Texas workers' compensation
10 system, relative to the costs and expenses incurred in providing
11 such drugs to self-paying individuals or individuals for whom
12 payment is made under insurance coverage other than workers'
13 compensation insurance; and, be it further

14 RESOLVED, That the 78th Legislature of the State of Texas
15 hereby direct the Texas Workers' Compensation Commission to
16 promulgate, not later than six months after a rulemaking petition
17 is submitted to the commission, regulations that clearly define the
18 methodology for determining payment amounts for prescription drugs
19 under the Texas Workers' Compensation Act, and in so doing, to take
20 into account pharmacy fees paid by other payors and the costs and
21 expenses that workers' compensation insurance carriers and
22 pharmacies incur in providing prescription drugs to individuals
23 under the Labor Code and to ensure the presence of a reliable
24 network of pharmacy providers for injured workers in Texas; and, be
25 it further

26 RESOLVED, That the 78th Legislature of the State of Texas
27 hereby direct the Texas Workers' Compensation Commission to pursue

1 efforts to streamline the procedures for presenting, processing,
2 and paying claims for prescription drugs under the Labor Code
3 through the development of a system more efficient than the one
4 currently in place; and, be it further

5 RESOLVED, That the 78th Legislature of the State of Texas
6 hereby direct the Texas Workers' Compensation Commission to
7 implement this resolution in a budget-neutral manner and to
8 consider findings of studies or other research funded by
9 collaborative efforts of workers' compensation insurance carriers
10 and pharmacy providers; if such studies or research are not funded
11 by workers' compensation insurance carriers and pharmacy providers
12 and this resolution cannot be implemented in a budget-neutral
13 manner, the provisions of this resolution need not be implemented;
14 and, be it further

15 RESOLVED, That the secretary of state forward an official
16 copy of this resolution to the chair and executive director of the
17 Texas Workers' Compensation Commission.