

1-1 By: Van de Putte, Harris, Ratliff S.C.R. No. 48
1-2 (In the Senate - Filed April 30, 2003; May 8, 2003, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 May 14, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; May 14, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.C.R. No. 48 By: Van de Putte

1-8 SENATE CONCURRENT RESOLUTION

1-9 WHEREAS, The integrity of the Texas workers' compensation
1-10 system must be protected so that injured workers have ready access
1-11 to medically necessary health care services, including medically
1-12 necessary prescription drugs; and

1-13 WHEREAS, The current statutory, regulatory, and
1-14 administrative guidelines for determining payment amounts for
1-15 prescription drugs under the Labor Code are vague and do not provide
1-16 fair notice to providers and workers' compensation insurance
1-17 carriers regarding the amounts to be billed and paid; and

1-18 WHEREAS, The methodology for determining payment amounts for
1-19 prescription drugs under state law should be clearly defined and
1-20 should not be in excess of the amount charged for similar treatment
1-21 of an injured individual of an equivalent standard of living and
1-22 paid by that individual or by someone acting on that individual's
1-23 behalf; and

1-24 WHEREAS, In order to ensure the presence of a reliable
1-25 network of pharmacy providers and workers' compensation insurance
1-26 carriers for injured workers in Texas, the procedures for
1-27 presenting and processing claims for prescription drugs under the
1-28 Labor Code should be made more efficient and less burdensome on
1-29 insurance carriers and pharmacy providers; and

1-30 WHEREAS, Workers' compensation insurance carriers and
1-31 pharmacy providers throughout Texas are working collaboratively
1-32 toward the goals set forth in this resolution; now, therefore, be it

1-33 RESOLVED, That the 78th Legislature of the State of Texas
1-34 hereby direct the Texas Workers' Compensation Commission to
1-35 consider a rulemaking petition based on a study funded by
1-36 collaborative efforts of workers' compensation insurance carriers
1-37 and pharmacy providers and designed to determine pharmacy fees paid
1-38 by other payors and administrative costs and expenses incurred by
1-39 pharmacy providers to process claims and payments for prescription
1-40 drugs provided to individuals under the Texas workers' compensation
1-41 system, relative to the costs and expenses incurred in providing
1-42 such drugs to self-paying individuals or individuals for whom
1-43 payment is made under insurance coverage other than workers'
1-44 compensation insurance; and, be it further

1-45 RESOLVED, That the 78th Legislature of the State of Texas
1-46 hereby direct the Texas Workers' Compensation Commission to
1-47 promulgate, not later than six months after a rulemaking petition
1-48 is submitted to the commission, regulations that clearly define the
1-49 methodology for determining payment amounts for prescription drugs
1-50 under the Texas Workers' Compensation Act, and in so doing, to take
1-51 into account pharmacy fees paid by other payors and the costs and
1-52 expenses that workers' compensation insurance carriers and
1-53 pharmacies incur in providing prescription drugs to individuals
1-54 under the Labor Code and to ensure the presence of a reliable
1-55 network of pharmacy providers for injured workers in Texas; and, be
1-56 it further

1-57 RESOLVED, That the 78th Legislature of the State of Texas
1-58 hereby direct the Texas Workers' Compensation Commission to pursue
1-59 efforts to streamline the procedures for presenting, processing,
1-60 and paying claims for prescription drugs under the Labor Code
1-61 through the development of a system more efficient than the one
1-62 currently in place; and, be it further

1-63 RESOLVED, That the 78th Legislature of the State of Texas

2-1 hereby direct the Texas Workers' Compensation Commission to
2-2 implement this resolution in a budget-neutral manner and to
2-3 consider findings of studies or other research funded by
2-4 collaborative efforts of workers' compensation insurance carriers
2-5 and pharmacy providers; if such studies or research are not funded
2-6 by workers' compensation insurance carriers and pharmacy providers
2-7 and this resolution cannot be implemented in a budget-neutral
2-8 manner, the provisions of this resolution need not be implemented;
2-9 and, be it further
2-10 RESOLVED, That the secretary of state forward an official
2-11 copy of this resolution to the chair and executive director of the
2-12 Texas Workers' Compensation Commission.

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