

By: Oliveira

H.B. No. 2830

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the closed formulary for workers' compensation  
3 pharmaceutical benefits.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 408.028(b), Labor Code, is amended to  
6 read as follows:

7 (b) The commissioner by rule shall require the use of  
8 generic pharmaceutical medications and clinically appropriate  
9 over-the-counter alternatives to prescription medications unless  
10 otherwise specified by the prescribing doctor, in accordance with  
11 applicable state law. The commissioner by rule shall adopt a  
12 closed formulary under Section 413.011. Rules adopted by the  
13 commissioner:

14 (1) shall allow an appeals process for claims in which  
15 a treating doctor determines and documents that a drug not included  
16 in the formulary is necessary to treat an injured employee's  
17 compensable injury; and

18 (2) may exclude compounded pharmaceutical medications  
19 from the closed formulary.

20 SECTION 2. This Act takes effect September 1, 2017.