

## PA Act 184: Workers' Compensation/Prescription Reimbursement Reform Effective December 26, 2014

January 13, 2015

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*On October 27, 2014, Pennsylvania Governor Corbett signed into law Act 184. Act 184 is important to all workers' compensation practitioners, employers and administrators.*



Act 184 includes a number of provisions regarding physician-prescribed medications/controlled substances and associated reimbursement, including:

- Physician-dispensed medications will now be subject to the reimbursement cap of 110 percent of the average wholesale price of prescriptions in the same fashion as prescriptions from pharmacies.
- In order to be eligible for reimbursement, the original drug manufacturer's National Drug Code number must now be included on all bills.
- Physician-prescribed controlled substances (such as hydrocodone) will be limited to one seven-day supply beginning upon the injured worker's initial treatment date with the healthcare

provider in question. However, to the extent the injured employee undergoes a medical procedure or surgery (not necessarily performed by the provider in question), an additional fifteen-day supply may be dispensed effective as of the date of the procedure. Physicians are limited to dispensing an initial thirty-day supply of any other medication.

- All providers, other than licensed pharmacies, are prohibited from seeking reimbursement for over-the-counter medication.

Act 184 eliminates the following:

- The ability of the injured worker to seek medications from numerous/various healthcare providers. The limitations set forth in Act 184 apply to all physicians and not just to each individual provider/treater.
- Substantial profit/markup by treating physicians when prescribing medications by eliminating the "repackaging" tool used by many treating physicians.

Act 184 became effective on December 26, 2014 and will apply only to medications prescribed on and after December 26, 2014.

For any questions, please contact Patrick T. Cusick at (717) 391-4418 or [pcusick@postschell.com](mailto:pcusick@postschell.com), or any member of Post & Schell's Workers' Compensation Practice Group.

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A number of our lawyers have concentrated experience in related areas such as the Federal Employees Labor Act (FELA), the Longshoremen and Harborworkers Workers' Compensation Act (LHWCA), Jones Act and occupational hearing loss. Additionally, two of our lawyers restrict their practices to matters pending before the Workers' Compensation Appeal Board, Commonwealth Court and Supreme Court of Pennsylvania.

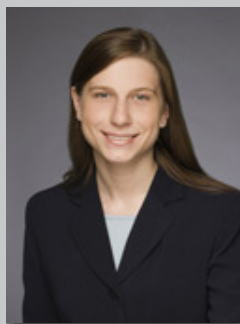
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### **About the Authors:**



**Patrick T. Cusick** has over 20 years of experience in the area of workers' compensation, having worked as a claims adjuster, claims manager, and solicitor for the City of Pittsburgh prior to coming to Post & Schell, P.C. Mr. Cusick has been with Post & Schell since 1985 and was instrumental in building the firm's workers' compensation departments in the central Pennsylvania area.

Mr. Cusick has extensive trial experience and experience arguing before the Workers' Compensation Appeal Board and the appellate courts of Pennsylvania, including the Pennsylvania Supreme Court. He is well-known and well-respected throughout the state's workers' compensation bar and lectures frequently for clients and continuing legal education courses.



**Karyn Dobroskey Rienzi** focuses her practice on post-trial and appellate matters, predominantly in the areas of workers' compensation and casualty. Ms. Rienzi regularly appears before the Pennsylvania Workers' Compensation Appeal Board and has argued before the Pennsylvania Commonwealth Court and the Pennsylvania Superior Court.

Her practice includes preparing post-trial briefs in workers' compensation cases and petitions for review, applications, briefs and records in appellate cases arising from casualty, insurance, motor vehicle liability, premises liability and workers' compensation litigation.