

# Workers' Comp Legislative Activity

January 15, 2020 – March 1, 2020

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## CALIFORNIA

### SB 924

**Issues:** Workers' Compensation

**Summary for 2/4/2020 Version:** This measure makes changes to workers' compensation evaluations. Specifically, this measure would require the office of the Administrative Directors of the Division of Workers' Compensation evaluation to cover claims filed on or after January 1, 2017, and before January 1, 2021, and would require the report to be submitted to the Administrative Director and the relevant legislative committees before January 1, 2022.

**Outlook:** This measure has been introduced for the 2020 legislative session. This measure is now eligible for referral to a committee. By rule, this measure cannot be heard until 30 days have passed since its introduction.

**Links:** [2/4/2020 Version](#)

**Status History:** 02/04/2020 - Introduced

## NEW YORK

### AB 864

**Issues:** Workers' Compensation Direction of Care

**Summary for 1/11/2019 Version:** This measure allows a workers' compensation claimant to utilize a pharmacy of their choice. This measure prohibits an employer or carrier from refusing to allow a claimant to utilize a pharmacy of their choice to furnish prescribed medications required by the claimant so long as the pharmacy's charges are below the pharmaceutical fee schedule.

**Outlook:** This measure has been re-referred to the Assembly Labor Committee, where Marcos A. Crespo (D) serves as Chair. This measure awaits further consideration from the chair.

**Links:** [1/11/2019 Version](#)

**Status History:**

- **01/11/2019** - Introduced; referred to Assembly Labor Committee
- **01/08/2020** - Re-referred to the Assembly Labor Committee

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## NEW YORK

### SB 7245

**Issues:** Workers' Compensation Prescription Drug Formulary

**Summary for 1/14/2020 Version:** The measure amends worker compensation law and further outlines requirements for employers and carriers in regard to pharmacies.

The measure mandates if an employer or carrier has contracted with a pharmacy to provide prescribed medicine to claimants, the employer or carrier can encourage claimants to obtain all prescribed medications from the pharmacy it has contracted with.

The measure stipulates claimants can obtain prescribed medicines at a pharmacy of their choice as long as it is registered as a resident, in-state pharmacy with the New York Board of Pharmacy and the employer or carrier will be liable for such charges in accordance with the fee schedule, relevant to work-related injuries and are in accordance with the New York workers' compensation pharmacy formulary and other applicable board regulations.

The measure does not apply to any resident, in-state pharmacies that are contracted with the network pharmacy that the employer or carrier designates as their preferred and encouraged network pharmacy. Such pharmacies must process all claims through their contracts with the employer's or carrier's designated pharmacy.

The measure mandates the employer or carrier can have the right to deny any charges from non-resident, out-of-state pharmacies and deny charges for non-FDA approved compound medications.

**Outlook:** This measure has been introduced and referred to the Senate Labor Committee chaired by Senator Jessica Ramos (D). This measure awaits further consideration from the chair.

**Links:** [1/14/2020 Version](#)

**Status History:** 01/14/2020 - Introduced; Referred to Senate Labor Committee

## OKLAHOMA

### SB 1469

**Issues:** Workers' Compensation Medical Marijuana

**Summary for 1/16/2020 Version:** This measure requires dispensaries and commercial marijuana growers to have liability insurance under the Workers' Compensation Act. This measure requires dispensaries and commercial marijuana growers to have liability insurance coverage of \$1 million under the Workers' Compensation Act.

**Outlook:** This measure has been referred to the Senate Business, Commerce and Tourism Committee, chaired by Senator James Leewright (R). This measure is eligible to be scheduled for a hearing.

**Links:** [1/16/2020 Version](#)

**Status History:**

- **01/16/2020** – Pre-filed
- **02/06/2020** - Referred to Senate Business, Commerce and Tourism Committee

## VERMONT

### HB 14

**Issues:** Workers' Compensation Medical Marijuana

**Summary for 1/9/2019 Version:** This bill proposes to extend benefit payments in workers' compensation insurance claims to the prescription of medical marijuana.

This measure dictates that an employer shall be subject to furnish an injured employee reasonable marijuana for symptom relief in workers' compensation claims.

Disputes regarding payment of a medical bill maybe filed with the Commissioner by the injured employee, the healthcare provider, or the dispensary. Medical bills shall also be paid within in a contract between the aforementioned parties.

An employer or insurance carrier shall not impose on any health care provider or dispensary any retrospective denial of a previously paid medical bill or any part of that previously paid medical bill, unless the employer or insurance carrier has provided at least 30 days' notice of any retrospective denial or overpayment recovery to the health care provider or dispensary.

**Outlook:** This measure is eligible to be carried over to the 2020 Legislative Session. In Vermont, the Legislature's rules allow for measures to be carried over from regular sessions in odd-numbered years to regular sessions in even-numbered years. The status of each measure and resolution will be the same at the beginning of the next regular session as it was immediately before the adjournment of the previous regular session. The Vermont Legislature is expected to convene for the 2020 Legislative Session on January 7, 2020.

**Links:** [01/09/2019 Version](#)

**Status History:**

- **01/10/2019** - Referred to House Committee on Commerce and Economic Development
- **03/28/2019** - Hearing held
- **04/03/2019** - Hearing held
- **05/29/2019** - Carried over to 2020 Legislative Session