

# Workers' Comp Legislative Activity

February 15, 2020 – April 1, 2020

## ARIZONA

### SB 1498

**Issues:** Workers' Compensation

**Summary 2/20/2020 Version:** This measure amends existing Arizona law regarding attendance at workers' compensation hearings. This measure allows the employee—or if the employee is deceased, their estate, surviving spouse, or dependent—to bring any person of their choosing to any hearing conducted pursuant to this measure without prior approval of the administrative law judge. This measure prohibits the commission from adopting any rule that in any way restricts an employee's rights under this measure.

This measure also stipulates that a physician who performs an examination or any other physician who testifies at an employee's hearing under this measure must have expertise in diagnosing and treating the employee's specific injury. The physician must also include a sworn statement detailing how much money they have been paid for doing examinations under this measure or for testifying in commission proceedings for the five years preceding the examination. A copy of the report and statement must be provided to the employee within thirty days after the examination.

**Outlook:** This measure was heard on February 20 in the Senate Commerce Committee, chaired by Senator Michelle Ugenti-Rita (R). The measure was amended and passed the committee. The hearing will be open to the public, testimony will be accepted at the discretion of the committee chair, and a vote will likely take place.

**Links:** [1/31/2020 Version](#)

#### Status History:

- **01/31/2020** - Introduced
- **02/04/2020** - Referred to Senate Commerce Committee
- **02/13/2020** - Hearing scheduled; Measure not heard
- **02/20/2020** - Hearing held; Amended; Passed Senate committee

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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 scheduled for a March 25 hearing before the Senate Labor, Public Employment and Retirement Committee, chaired by Senator Jerry Hill (D). The hearing will be open to the public and testimony will be accepted at the discretion of the Chair. A vote may occur at the discretion of the Chair.

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

**Status History:**

- **02/04/2020** - Introduced
- **02/12/2020** - Referred to Senate Labor, Public Employment and Retirement Committee
- **03/25/2020** - Hearing scheduled

## ILLINOIS

### SB 3433

**Issues:** Workers' Compensation Medical Marijuana

**Summary for 2/14/2020 Version:** This measure establishes standards for denial of workers' compensation claims of employees who have used tetrahydrocannabinol. The measure stipulates that the presence of 5 nanograms of tetrahydrocannabinol in the blood or 10 nanograms of tetrahydrocannabinol in other bodily substances shall create a rebuttable presumption that intoxication is the proximate cause of the injury. Authorized use may be evidenced only by written consent by the employer to the employee, which consent shall not be unreasonably withheld.

**Outlook:** On March 4, 2020, this measure was assigned to the Senate Subcommittee on Cannabis. This measure awaits subcommittee consideration at the discretion of the Chair.

**Links:** [2/14/2020 Version](#)

**Status History:**

- **02/14/2020** - Introduced; Referred to Senate Assignments Committee
- **03/04/2020** - Assigned to Senate Subcommittee on Cannabis

## KENTUCKY

### HB 211

**Issues:** Workers' Compensation

**Summary for 10/10/2020 Version:** This measure amends existing Kentucky code regarding compensation benefits timelines. This measure removes structured compensation benefits timelines. The measure requires that the employer pay for the cure and relief of an injury at the time of the injury and throughout the length of any disability.

**Outlook:** This measure was introduced and referred to the House Economic Development and Workforce Investment Committee (R), chaired by Representative Russell Webber. The sponsor does sit on the committee of referral. This measure is eligible for consideration at the discretion of the chair.

**Links:** [1/10/2020 Version](#)

**Status History: 01/10/2020** - Introduced; Referred to House Economic Development & Workforce Investment Committee

## LOUISIANA

### SB 160

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

**Summary for 2/25/2020 Version:** This measure sets up a prescription drug formulary in the Office of Worker's Compensation (OWC). This measure requires that the formulary use the same criteria as used for the development of the medical treatment guidelines. As it relates to the formulary, this measure states that the OWC Assistant Secretary may adopt an existing formulary. This measure further states, in determining which formulary to adopt, the Assistant Secretary will consider the following factors:

(1) Whether the formulary is written for specifically for workers' compensation. (2) Whether the formulary includes measures to aid in the management of opioid medications. (3) Whether the formulary appropriately limits both the duration and the dosage of prescriptions. (4) The cost of implementation of the formulary. (5) Whether the formulary is self-updating.

This measure requires that the formulary will be updated when deemed necessary by the OWC Assistant Secretary. This measure also requires that any prior authorization of a pharmacy or healthcare provider dispensing prescription medications, regardless of classification or lack of classification must follow existing laws.

**Outlook:** This measure has been introduced and referred to the Senate Labor and Industrial Relations Committee, chaired by Senator Troy Carter (D). This measure is eligible to be scheduled for a hearing.

**Links:** [2/25/2020 Version](#)

**Status History:**

- **02/25/2020** – Pre-filed
- **03/09/2020** - Introduced; Referred to Senate Labor & Industrial Relations Committee

**NEW JERSEY****AB 1708**

**Issues:** Workers' Compensation Medical Marijuana)

**Summary for 2/13/2020 Version:** This measure amends existing New Jersey code to require workers' compensation and personal injury protection (PIP) coverage for medical marijuana under certain circumstances. This measure provides that personal injury protection automobile insurance benefits and workers' compensation benefits must include coverage for costs associated with the medical use of marijuana provided that the insured or the employee is a qualifying patient authorized for medical marijuana pursuant to the "Compassionate Use Medical Marijuana Act." However, an employer or workers' compensation insurance carrier is not required to provide coverage or benefits for costs associated with the medical use of cannabis upon intervention by the federal government to enforce of the federal "Controlled Substances Act."

Provide that an employer or insurer shall, if for any reason payment by the employer or insurer to the medical cannabis dispensary is not feasible, remit directly to the insured or employee the costs for any benefits associated with the medical use of cannabis upon proof of payment by the insurer to the medical cannabis dispensary. This measure does not require that at least one other medication or treatment has been attempted and found to be unsuccessful in treating the debilitating medical condition that qualified the patient for the medical use of marijuana.

**Outlook:** This measure was heard on February 13 in the Assembly Financial Institutions and Insurance Committee. The measure was amended and passed the committee by a vote of 9-4. The measure has been re-referred to the Assembly Appropriations Committee. This measure is eligible for consideration in the committee of re-referral.

**Links:**

- [2/13/2020 Amended Version](#)
- [1/14/2020 Version](#)

**Status History:**

- **01/14/2020** - Introduced; Referred to Assembly Financial Institutions and Insurance Committee
- **02/13/2020** - Hearing held; Amended; Passed committee; Re-referred

## NEW YORK

### SB 2054

**Issues:** Workers' Compensation (Medical Marijuana)

**Summary for 1/22/2019 Version:** This measure relates to medical marijuana insurance coverage. This measure adds coverage of medical marijuana to public insurance programs and clarifies that it may be covered by private insurance. This measure deems medical marijuana as a prescription drug.

**Outlook:** This measure has been re-referred to the Senate Health Committee. This measure awaits a hearing. If scheduled, the hearing will be open to the public.

**Links:** [1/22/2019 Version](#)

**Status History:**

- **01/22/2019** - Introduced; referred to Senate Health Committee
- **01/08/2020** - Re-referred to Senate Health Committee

## OHIO

### HB 534

**Issues:** Workers' Compensation

**Summary for 3/6/2020:** The measure amends Ohio Code to identify information in the medical management of workers' compensation claims. The measure requires that a managed care organization must have a record keeping system that identifies a managed care organization's staff member or a provider by first and last name when the staff member or provider creates a record that relates to a claimant.

The measure requires that the rules must prohibit using a provider's social security number as a means of identifying the provider, including incorporating the provider's social security number into an identifying number generated by the administrator.

**Outlook:** The measure has been referred to the House Insurance Committee, chaired by Representative Tom Brinkman (R). The committee has a partisan split of eight republicans and five republicans. The measure is eligible for a committee consideration at the discretion of the Chair.

**Links:** [3/3/2020 Version](#)

**Status History:**

- **03/03/2020** - Introduced
- **03/10/2020** - Referred to the House Insurance Committee

**OKLAHOMA****HB 2315**

**Issues:** Workers' Compensation Pharmacy Fee Schedule

**Summary for 1/18/2019 Version:** This measure is the Patient's Rights to Pharmacy Choice Act. This measure requires pharmacy benefit managers and benefit plans to invite all health care providers, including pharmacies, physicians, and clinics to join their networks. The measure also requires the pharmacy benefit managers and benefit plans to allow all patients to use any health care provider, in or out of network, as long as the provider accepts the network conditions. The measure prohibits a pharmacy benefit manager or benefit plan from requiring patients to use pharmacies owned by or working in conjunction with the pharmacy benefit manager or benefit plan.

The measure prohibits a pharmacy benefit manager from reimbursing a pharmacy or pharmacist less than it reimburses a pharmacy owned or under common ownership with the PBM for the same service. The measure also prohibits a PBM from denying a pharmacy the opportunity to participate in any other pharmacy networks.

The measure requires retail pharmacy networks to comply with the following access standards: i. At least 90% of covered individuals in the benefit plan's urban service area live within two miles of a retail pharmacy participating in the benefit plan's retail pharmacy network; ii. At least 90% of covered individuals in the benefit plan's urban service area live within five miles of a retail pharmacy designated as a preferred participating pharmacy in the benefit plan's retail pharmacy network; iii. At least 90% of covered individuals in the benefit plan's suburban service area live within five miles of a retail pharmacy participating in the benefit plan's retail pharmacy network; iv. At least 90% of covered individuals in the benefit plan's suburban service area live within seven miles of a retail pharmacy designated as a preferred participating pharmacy in the benefit plan's retail pharmacy network; v. At least 70% of covered individuals in the benefit plan's rural service area live within fifteen miles of a retail pharmacy participating in the benefit plan's retail pharmacy network; and vi. At least 70% of covered individuals in the benefit plan's rural service area live within eighteen miles of a retail pharmacy designated as a preferred participating pharmacy in the benefit plan's retail pharmacy network.

**Outlook:** This measure failed to meet the March 12 crossover deadline. This measure is unlikely to receive further consideration.

**Links:** [1/18/2019 Version](#)

**Status History:**

- **01/18/2019** - Pre-filed
- **02/04/2019** - Introduced
- **02/05/2019** - Referred to House Business and Commerce Committee
- **05/31/2019** - Carried over to 2020 Legislative Session

**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** - Introduced
- **03/21/2019** - Hearing held
- **03/28/2019** - Hearing held
- **04/03/2019** - Hearing held
- **05/29/2019** - Carried over to 2020 Legislative Session