

Governor Wolf Vetoes SB 936

On April 17, 2018, the legislature passed SB 936 which would have required the Department of Labor and Industry to create a nationally recognized, evidence-based prescription drug formulary appropriate for resolving issues related to the type, dosage and duration of drugs prescribed to treat work related injuries. However, on Friday, April 27, 2018, Governor Wolf vetoed the bill.

The day before issuing the veto, and perhaps signaling his intent to veto SB 936, Governor Wolf promised that he would use executive action to curb opioids prescribed to injured workers. According to his website, his plan includes (1) limiting overprescribing of prescriptions opioids in the workers' compensation system, (2) creating prescription guidelines for opioids in workers' compensation, (3) training workers' compensation judges and providers, (4) support for Senate Bill 655 which calls for regulatory action state wide for prescribing guidelines and Senate bill 427 which would limit opioid prescriptions to no more than seven days except for patients with chronic or unique pain scenarios, (5) limiting overly-expensive opioid treatments, (6) curbing costly topical opioid compound prescriptions by proposing regulations that require that such compounds be billed at the ingredient level, (7) monitoring opioid use through a prescription drug monitoring program so that providers can see all workers' compensation coded opioid prescriptions, and (7) identifying over prescribing by reporting overprescribers to the Department of State for investigation. According to the Pennsylvania Constitution, the legislature could overrule Governor Wolf's veto but only if a 2/3rds majority from both houses vote to do so. That seems unlikely as SB 936 passed the house by only a few votes.

If you have any questions regarding SB 936 or any pending legislation involving the workers' compensation system, please contact any of our worker's compensation attorneys.