

Subject: Kentucky Drug Formulary Adoption Effective July 1, 2019

The Commissioner of the Kentucky Department of Workers' Claims (DWC) has adopted new workers' compensation formulary rule [803 KAR 25:270](#). The rule was adopted on an emergency basis to meet the timeframe established by KY HB 2 (December 31, 2018), and establishes and provides guidance for implementation of the formulary.

The new formulary rule adopts the current edition, and any future published updates of, the [ODG formulary](#) currently published by MCG Health.

For injuries on or after January 1, 2019, the formulary becomes effective July 1, 2019. For claims with a date of injury prior to January 1, 2019, the formulary becomes effective for new prescriptions on July 1, 2019, and for refill prescriptions initially prescribed prior to July 1, 2019, on January 1, 2020.

The Impact

Employers are liable for payment of up to a seven (7)-day supply of a "Y" drug dispensed to or prescribed for an injured employee within seven (7) days of a work-related injury in treatment of that work-related injury even if the employer ultimately denies liability for the claim. Payment by the employer pursuant to this subsection does not waive the employer's right to contest its liability for the claim or benefits to be provided.

Requests for preauthorization shall be subject to utilization review unless the employer waives utilization review. If as a result of utilization review the carrier denies a request for preauthorization, the medical provider may request reconsideration of the denial to include a peer-to-peer conference with a utilization review physician. Utilization review shall not be required for a "Y" drug but may be conducted retrospectively to determine medical reasonableness and necessity. A denial of a "Y" drug based on retrospective utilization review shall apply only to refill prescriptions of that drug after the date of the utilization review.

The First Script Smart Prior Authorization process has been configured to address these state formulary rules effective July 1, 2019 and will provide authorization guidance for identified drugs falling under the new requirements.

For more formulary information, please visit <https://labor.ky.gov/comp/DrugFormulary/Pages/default.aspx>.

If you have additional questions, please contact your Account Manager or Account Pharmacist.