

## Subject: New York Drug Formulary Adoption

On June 5, 2019, the New York State Workers' Compensation Board adopted Rules 12 NYCRR 441.1 et seq. regarding its workers' compensation drug formulary. The regulations establish the effective date of the formulary for new prescriptions to be six months (December 5, 2019) from the date the rules were adopted, and 12 months (June 5, 2020) for any prescription refills and renewals.

The formulary consists of three phases: "Phase A," "Phase B," and "Perioperative."

- **Phase A** — covers drugs in the first 30 days following injury or when the carrier has accepted the claim or the Board has established a claim, whichever occurs sooner, and contains drugs that may be prescribed for up to a 30-day supply.
- **Phase B** — covers drugs beyond 30 days of injury and these drugs may be prescribed up to a 90-day supply.
- **Perioperative** — drugs on this list may be prescribed during the period of four days before through four days following surgery, with day of surgery being day zero.

When a body part or illness has been accepted or established, drugs must be prescribed in accordance with the adopted Medical Treatment Guidelines (MTG). Drugs designated as "Yes" on the formulary are considered first line for the body part being treated; whereas, drugs designated as "2<sup>nd</sup>" may be prescribed following an unsuccessful trial of a first-line drug. Drugs not listed on the formulary or without the "Yes" or "2<sup>nd</sup>" indicator for the body part being treated, are considered non-formulary and therefore require prior authorization.

Prior authorization is also required for:

- Formulary brand-name drugs, when a generic is available
- Combination products, unless specifically listed in the formulary
- Brand-name drugs when a generic version with the same active ingredient(s) is commercially available in a different strength/dosage
- Compound drugs

Some drugs on the formulary, such as opioids, muscle relaxants, and anti-infectives, are marked with a Special Consideration indication. These include:

- "Not to exceed a single seven-day supply" — can be prescribed one time only without a prior authorization, for a maximum of a seven-day supply, during the phase of the formulary under which it is contained (i.e., opioids)
- "For the prescribed course of therapy" — can be prescribed for the quantity indicated by the prescriber. The Prior Authorization process may incorporate up to three levels of review. Detailed information about the Prior Authorization process as well as the adopted New York drug formulary can be found at <http://www.wcb.ny.gov/drug-formulary-regulation/>.

### The Impact

First Script has reviewed the adopted regulations and is working on implementation and evaluation of the potential impact. In addition, the First Script Smart Prior Authorization process will be configured to address these state formulary rules and provide authorization guidance for identified drugs falling under the new requirements.

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