

Subject: Overview of New York Drug Formulary Proposed Rules

In April 2017, New York Governor Andrew M. Cuomo signed into law legislation that required the New York Workers' Compensation Board to establish a comprehensive prescription drug formulary by December 31, 2017. On December 28, 2017, pursuant to New York subject number 046-1012, the New York Workers' Compensation Board announced rules proposing a Pharmacy Formulary. The current draft proposes a July 1, 2018 effective date; however, the drug formulary and regulations will not become effective until the regulations are adopted and a final implementation date has been determined.

The information provided below is an overview of the proposed rules and is subject to change based on further changes to the rules by the state of New York.

- Defines prescription drug terminology
- On or after July 1, 2018, every new prescription must be dispensed consistent with the formulary regardless of the date of accident unless prior authorization is received.
- No later than October 1, 2018, the carrier or self-insured must identify all claims that have been prescribed for an unlisted or non-preferred drug and provide written notification to the claimant and treating provider.
- On or after December 31, 2018, every refill or renewal prescription must be dispensed consistent with the formulary regardless of the date of accident unless prior authorization is received.
- The provider must seek prior authorization when they determine that a non-preferred or unlisted drug or brand name drug with a generic equivalent is appropriate and medically necessary or the carrier or self-insured may deny payment.
- Establishes Prior Authorization (UR) for non preferred or unlisted drug rules while listing exceptions to the Prior Authorization requirement pertaining to special fill drugs and perioperative fill drugs.

The New York Workers' Compensation Board is seeking public comments. Publication in the State Register on December 27, 2017 commences a 60-day comment period, which expires on February 26, 2018. Public comments will only be accepted through the official [New York Workers' Compensation Boards Drug Formulary Comment Board](#). The Board will evaluate all comments received, and will consider necessary revisions as the process advances.

Coventry is engaged with the state of New York and will be submitting formal comments in advance of the February 26, 2018 deadline. To review the complete text of the proposed regulations, please visit: <http://www.wcb.ny.gov/drug-formulary-regulation/Text-Part-441-drug-formulary.pdf>

Coventry will communicate further developments as significant events occur. For further information regarding this message, please contact your Account Manager.