

Workers' Comp Legislative Activity

March 15, 2020 – May 1, 2020

CALIFORNIA

AB 1107

Issues: Workers' Compensation

Summary for 4/22/2019 Version: This measure was amended out of your scope April 22. The summary shows the scope of the previous bill text. The measure makes a final determination of the Administrative Director of the Division of Workers' Compensation conclusive evidence that medical treatment was unreasonably delayed or denied.

Outlook: This measure was amended out of the Workman's Compensation scope April 22. The measure was amended to apply to California's COVID-19 unemployment response. This measure remains eligible for consideration by the Senate Labor, Public Employment, and Retirement Committee.

Links:

- [4/22/2020 Version](#)
- [4/22/2019 Version](#)
- [3/26/2019 Version](#)
- [2/21/2019 Version](#)

Status History:

- **02/21/2019** - Introduced
- **03/25/2019** - Referred to Assembly Insurance Committee
- **03/26/2019** - Amended
- **04/24/2019** - Hearing held; passed Committee
- **04/22/2019** - Amended
- **05/02/2019** - Passed Assembly
- **05/16/2019** - Referred to Senate Labor, Public Employment, and Retirement Committee
- **04/22/2020** - Amended

Note: This information is neither intended to be all-inclusive for the industry, nor for public redistribution. Please feel free to send your questions, comments, suggestions, and requests for further information to Coventry at Regulatory@cvtv.com.

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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: The March 25 hearing before the Senate Labor, Public Employment and Retirement Committee, chaired by Senator Jerry Hill (D) was cancelled. The California Legislature has suspended operations through April 13 due the COVID-19 pandemic.

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 cancelled

HAWAII

HB 1534

Issues: Workers' Compensation Medical Marijuana

Summary for 1/24/19 Version: This measure allows for medical cannabis reimbursement by workers' compensation. This measure allows for medical cannabis reimbursement by workers' compensation. This measure lays out reimbursement terms.

The measure stipulates that the maximum reimbursement for medical cannabis shall be determined by the method and amount set forth in the health care provider fee schedule. Medical cannabis must be reasonable and necessary medical treatment only where an authorized provider testifies that the benefits outweigh the health risks. At least one physician who certifies the worker for medical cannabis must be an authorized health care provider.

The measure stipulates that the worker should be reimbursed under the following circumstances: i. out of pocket costs for medical cannabis ii. worker shall submit an itemized receipt issued by the licensed provider iii. the reimbursement shall be set by the fee schedule iv. reimbursements will be made for pre-filled and sealed containers rather than paraphernalia v. reimbursements will not be made for expenses related to personal production or cannabis from sources other than a licensed producer.

Outlook: This measure is eligible to be carried over to the 2020 Legislative Session. In Hawaii, the Legislature's rules allow for measures to be carried over from the first to the second regular session and to any extraordinary session of the same general assembly. The status of each bill and resolution will be the same at the beginning of each second session as it was immediately before adjournment of the previous regular or extraordinary session. The Hawaii Legislature is expected to convene for the 2020 Legislative Session January 15, 2020.

Links: [1/24/2019 Version](#)

Status History:

- **01/24/2019** - Introduced
- **01/28/2019** - Referred to House Labor and Public Employment Committee
- **02/07/2019** - Hearing held; Deferred
- **03/07/2019** - Failed to meet crossover deadline
- **05/02/2019** - Carried over to 2020 session

HAWAII

SB 1523

Issues: Special Request, Workers' Compensation Medical Marijuana

Summary for 1/24/19 Version: This measure allows for medical cannabis reimbursement by workers' compensation. This measure allows for medical cannabis reimbursement by workers' compensation. This measure lays out reimbursement terms.

Outlook: This measure is eligible to be carried over to the 2020 Legislative Session. In Hawaii, the Legislature's rules allow for measures to be carried over from the first to the second regular session and to any extraordinary session of the same general assembly. The status of each bill and resolution will be the same at the beginning of each second session as it was immediately before adjournment of the previous regular or extraordinary session. The Hawaii Legislature is expected to convene for the 2020 Legislative Session January 15, 2020.

Links: [1/24/2019 Version](#)

Status History:

- **01/24/2019** - Introduced
- **01/28/2019** - Referred to Senate Labor Culture, and the Arts Committee
- **02/06/2019** - Hearing held; Deferred by Committees
- **03/07/2019** - Failed to meet crossover deadline
- **05/02/2019** - Carried over to 2020 session

NEBRASKA

LB 1101

Issues: Workers' Compensation Medical Coverage and Reimbursement

Summary for 1/21/2020 Version: This measure changes the schedule of compensation for certain injuries resulting in disability under the Nebraska Workers' Compensation Act. The measure stipulates that loss or loss of use of multiple parts of the same hand, arm, foot, or leg would not be eligible for a determination of benefits based upon the employee's loss of earning capacity and loss of use means permanent loss of function.

Outlook: On February 10, 2020, this measure was heard by the Health and Human Services Committee. No vote was taken. This measure is eligible for an executive session in its committee of referral. Executive sessions are generally held without prior notice and closed to the public.

Links: [1/21/2020 Version](#)

Status History:

- **01/21/2020** - Introduced
- **01/24/2020** - Referred to Business and Labor Committee
- **02/10/2020** - Hearing held: Business and Labor 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 7245

Issues: Workers' Compensation Prescription Drug Formulary

Summary for 1/14/2020 Version: The measure amends worker compensation law and further outlines requirements for employers and carriers in regard to pharmacies.

The measure mandates if an employer or carrier has contracted with a pharmacy to provide prescribed medicine to claimants, the employer or carrier can encourage claimants to obtain all prescribed medications from the pharmacy it has contracted with.

The measure stipulates claimants can obtain prescribed medicines at a pharmacy of their choice as long as it is registered as a resident, in-state pharmacy with the New York Board of Pharmacy and the employer or carrier will be liable for such charges in accordance with the fee schedule, relevant to work-related injuries and are in accordance with the New York workers' compensation pharmacy formulary and other applicable board regulations.

The measure does not apply to any resident, in-state pharmacies that are contracted with the network pharmacy that the employer or carrier designates as their preferred and encouraged network pharmacy. Such pharmacies must process all claims through their contracts with the employer's or carrier's designated pharmacy.

The measure mandates the employer or carrier can have the right to deny any charges from non-resident, out-of-state pharmacies and deny charges for non-FDA approved compound medications.

Outlook: This measure has been introduced and referred to the Senate Labor Committee chaired by Senator Jessica Ramos (D). This measure awaits further consideration from the chair.

Links: [1/14/2020 Version](#)

Status History: 01/14/2020 - Introduced; Referred to Senate Labor 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

OKLAHOMA

SB 1469

Issues: Workers' Compensation Medical Marijuana


Summary for 1/16/2020 Version: This measure requires dispensaries and commercial marijuana growers to have liability insurance under the Workers' Compensation Act. This measure requires dispensaries and commercial marijuana growers to have liability insurance coverage of \$1 million under the Workers' Compensation Act.

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

Links: [1/16/2020 Version](#)

Status History:

- **01/16/2020** – Pre-filed
- **02/06/2020** - Referred to Senate Business, Commerce and Tourism Committee
- **02/27/2020** - Hearing held
- **03/12/2020** - Failed to meet crossover deadline

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