
Overview of Arkansas Drug Formulary Proposed Rules

On May 1, 2017, the Arkansas Workers' Compensation Commission posted a notice of public hearing and rule making for the proposed creation of a state drug formulary. A public hearing will be held on May 23, 2017, and any written comments are due on or before June 14, 2017. As currently written, the formulary will be adopted for all prescriptions for workers' compensation claims with a date of injury on or after September 1, 2017, and will apply to all Food and Drug Administration (FDA) approved drugs that are prescribed and dispensed for outpatient use.

The information provided below is an overview of the proposed rules and is subject to change based on further changes by the State of Arkansas:

- Adoption of the Arkansas Public Employee Claims Division (PECD) Workers' Compensation Drug Formulary, which is maintained and updated by UAMS College of Pharmacy Evidence Based Prescription Program.
- Requires pharmacists to confirm that a prescribed drug is listed on the drug formulary.
- Requires payors to have on staff or to contract with a Pharmacist and Physician or Medical Director or PBM [Pharmacy Benefit Manager] who has contracted with a Pharmacist and Physician or Medical Director or has a Pharmacist and Physician or Medical Director on staff.
- For workers' compensation injuries or illnesses with an incident date on or after September 1, 2017 payors will not be held financially responsible for payment for opioid medications in excess of 90 morphine equivalent dose/day or for an initial prescription of more than 5 days.
- Establishes a procedure for pharmacists filling workers' compensation prescriptions.
- Establishes a process for resolving disputes between provider and reviewing pharmacists or PBM.
- Provides for the implementation of Medical Cost Containment Division (MCCD) review and decision making responsibility. Provides for the right to appeal from the MCCD to an Administrative Law Judge.

These rules are not in effect at this time and are subject to change prior to the September 1, 2017 implementation date. Once the state adopts the final rules an update to this bulletin will be disseminated.

For more information, please contact your account manager.