Listen to our latest podcast with Brian Allen, VP of Government Affairs, to learn what’s coming in the new year in workers’ compensation legislation and regulation.

Podcast Summary
The new year always brings excitement, especially as states kick off their legislative sessions. In 2018, legislatures were busy enacting laws that impact the workers’ compensation industry, including marijuana legalization and opioid prescribing laws. In the new year, we expect the focus to be on several key areas. Here is what Brian Allen, VP of Government Affairs, expects for 2019 workers’ compensation legislation.

2019 Workers’ Compensation Legislative Movements
Brian Allen expects state legislatures to focus on several topics, including:

- Opioid legislation
- Drug formulary creation
- Reform efforts, both inside and outside workers’ compensation
- Workers’ compensation constitutionality
- Evaluation of drug costs
- Medical marijuana
Impact of Midterm Elections on Workers’ Compensation

As newly-elected state and federal legislators take their seats this year, Allen expects there to be a need for partnering with legislators to educate them on the intricacies of the workers’ compensation industry and how best to develop workers’ compensation legislation. With states considering drug formularies, opioid prescribing limits and other important legislation, it will be important to show them what has worked in other states and how they can adopt similar legislation in their own states.

Since all but one state has both houses of their legislature represented by the same part, Allen also expects legislation to move faster through state legislatures. However, governors of differing political stance may slow the passage of some legislation.

Formulary Successes

Allen predicts that state-mandated formulary development will continue into 2019. States that have implemented drug formularies have seen much success in areas such as reduction of drug utilization. Other states can learn from these successes and subsequently develop their own formularies. Allen again stresses the importance of helping new legislators understand these successes and how to evolve other state formularies to fit their state’s needs.

Government Affairs Team Involvement

Here are a few states and groups that our government affairs team will be focused on for 2019 workers’ compensation legislation development:

- Nebraska formulary development
- Pennsylvania regulatory work focused on compounded medications
- New York drug formulary development
- Florida workers’ compensation issues
- NCOIL working on model legislation

As states begin to introduce bills at the beginning of the year, the team will be working to educate and partner with legislators to create comprehensive and effective legislation.

Court Cases and Workers’ Compensation

Allen expects state courts to continue to see constitutional challenges to workers’ compensation laws. Marijuana will likely continue to be an issue as well, until Congress acts. With confusion between state and federal law, courts will likely continue to see cases about reimbursement, discrimination and other workplace-related issues.
As we head into 2019, review current laws on marijuana and drug formularies.

State by State Marijuana Laws

Formulary Fundamentals: Improving Outcomes in Workers’ Compensation