



Subject: Tennessee Closed Pharmacy Formulary – Adoption Update

In mid-December, the Tennessee Attorney General gave approval for the adoption of new treatment guidelines, which include the closed drug formulary proposed by the Tennessee Bureau of Workers' Compensation. The rules authorizing the closed formulary are scheduled to take effect on February 28, 2016; however, depending on the action of the legislative committee, which must still review the rules, the final adoption could be delayed for up to 30 days.

The formulary and guidelines, which incorporate the use of Official Disability Guidelines (ODG), apply to treatment occurring on or after January 1, 2016. Injured workers with a date of injury on or after January 1, 2016 will be subject to the closed drug formulary six months after the effective date of the rule. Injured workers with a date of injury prior to January 1, 2016 will be subject to the formulary six months following the effective date for newly prescribed medications, and 12 months after the effective date for any medications prescribed prior to January 1, 2016.

All available FDA approved prescription and non-prescription drugs prescribed and dispensed for outpatient use are included as part of the formulary, with the following medications requiring prior authorization:

- All medications indicated with a status of "N" in the most current version of the ODG Appendix A
- Any compounded or topical medication, regardless of ingredients
- Any investigational or experimental medication

Conversely, all medications indicated with a status of "Y" by the ODG Appendix A must be filled without delay to the injured worker.

Additionally, any medication prescribed to an injured worker within seven days of the date of injury and with a maximum daily supply of seven days must be filled, regardless of the status of the medication as "Y" or "N." For all of these "emergency fill" medications, the payor/employer is responsible for payment.

Retrospective review of medications will be allowed only for drugs that are not related to, or appropriate for the diagnosis, and only the next refill prescribed by the authorized treating physician can be denied. A copy of both the guidelines and the closed formulary can be found here: http://share.tn.gov/sos/rules_filings/11-14-15.pdf.

In order to assist our clients, First Script has already prepared a summary of injured workers who have received a status "N" medication or compounded medication. Please consult your First Script account manager to receive this summary and for additional questions.