

Workers' Comp Legislative Activity

November 15, 2018 – January 1, 2019

NEBRASKA

L.R. 383 - WORKERS' COMPENSATION (PRESCRIPTION DRUG FORMULARY)

Summary: This measure establishes an interim study to examine the feasibility of adopting a workers' compensation drug formulary, including the following:

- i. whether prescribing practices in workers' compensation cases affect or contribute to the prescription opioid problem,
- ii. whether the use of a drug formulary would result in more efficient delivery of medications, provide workers with reasonable and necessary care and treatment, and reduce utilization of habit-forming opioids and narcotics,
- iii. the extent to which use of a workers' compensation drug formulary would provide savings in workers' compensation claims,
- iv. whether the use of a drug formulary can decrease the length of disability for injured workers and increase return-to-work rates and outcomes, and
- v. whether a workers' compensation drug formulary, if adopted, should cover all prescription drugs or be limited to only controlled substances or only opioids.

<https://nebraskalegislature.gov/FloorDocs/105/PDF/Intro/LR383.pdf>

Status: Introduced; referred to Executive Board 3/27/2018. Referred to Senate Business and Labor Committee 4/4/2018. Hearing scheduled 11/27/2018.

Outlook: This measure will be heard November 27 in the Senate Business and Labor Committee.

The hearing will be open to the public and testimony will be accepted at the discretion of the Chair, Senator Joni Albrecht (I). A vote is unlikely but remains at the discretion of the Chair.

While the Nebraska legislature is technically non-partisan, the sponsor of this measure is affiliated with the Republican Party. This measure has not garnered the support of co-sponsors.

State Outlook: The Nebraska Legislature is technically non-partisan, but Republican-affiliated members compose the majority of the Senate.

Upon introduction, a bill may be referred to a committee by a nine-member reference committee. Committees are required to hear all bills refer to them and Legislators may designate on bill as a priority bill, which are heard before all non-priority bills. The committee chair may designate two bills in committee as priority bills, and the Speaker of the House may designate an additional 25 priority bills. When a hearing is held, members of the public may testify, and the committee may either kill the bill,

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hold it for further discussion, or advance it to the full legislature with or without recommended amendments. Omnibus bills are often introduced by committees that cover a broad spectrum of relevant issues.

Once reported out of committee, measures are placed in the General File and are eligible for debate and consideration by the full Legislature. This is regarded as the most important part of the legislative process and 25 votes are required to adopt amendments or move a bill from General File to the Select File, which is the next stage of consideration. Once in the Select file, bills may be debated, further amended, and voted on for a second time before moving to the final reading. Bills may not be voted on for final passage until at least five legislative days after its introduction and one legislative day after it is placed on final reading.

Nebraska's budget process occurs on a biennial basis and contains only appropriations. The process begins when the Governor's budget proposal is sent to the Appropriations Committee for consideration. If the Appropriations Committee does not place an amended version in the General File by the 70th day of session, the Governor's proposal is placed on the General File instead. Amendments can be offered to the bill on the floor before the bill is moved to final passage. If the Governor vetoes the bill, the Appropriations Committee must move to recommend the full chamber override the veto within one day of receiving the Governor's veto message. If the motion fails, the chair may arrange to override selected portions of the bill. Thirty votes are required to amend a veto override motion that includes another line-item veto.

OHIO

H.B. 733 - WORKERS' COMPENSATION (MEDICAL COVERAGE AND REIMBURSEMENT)

Summary: This measure requires the Administrator of Workers' Compensation or a self-insuring public employer to pay for services used to determine whether a person employed by a detention facility sustained an injury or occupational disease after exposure to another person's blood or bodily fluids.

http://search-prod.lis.state.oh.us/solarapi/v1/general_assembly_132/bills/hb733/IN/00?format=pdf

Status: Introduced 9/19/2018. Referred to House Insurance Committee 11/13/018.

Outlook: This measure was referred to the House Insurance Committee chaired by Representative Tom Brinkman (R).

This measure awaits a hearing. The hearing, if scheduled, will be open to the public, testimony will be accepted, and a vote may occur at the discretion of the Chair.

State Outlook: The Republican Party controls the House of Representatives and the Senate, as well as the Governor's Office. Legislative sessions in Ohio last two years, convening the first Monday in January during odd-numbered years. Ohio is a year-round Legislature and recesses several times throughout the year. Bills left pending at the end of a session in an odd-numbered year may be carried over to the

following session in subsequent even-numbered year.

All introduced bills must first be referred to either the House Rules and Reference Committee or the Senate Reference Committee, where they will then be referred to a standing committee. Committees are required to hear every bill referred to them. Typically, measures receive at least three committee hearings prior to a committee vote. A sponsor is permitted to provide testimony during the measure's first hearing, proponents are permitted to provide testimony during the second hearing, and opponents and third parties are permitted to provide testimony during the third hearing. If the bill passes the committees of referral, it is reported to the floor for a second reading, where it can be debated and amended. Bills in Ohio require three readings for final passage in each chamber and may be amended on third reading. After the measure has passed both chambers, the final bill is sent to the Governor for action.

Ohio's budget process occurs on a biennial basis and contains policy and appropriations. The budget process begins with hearings in the House Finance Committee, where legislators hear testimony and amend the bill for an extended period. Once out of committee, the bills go to the floor for debate and approval and then moves to the Senate for further consideration, where the process repeats itself. After the bill passes the Senate, a conference committee is appointed to resolve differences. After final passage, the measure goes to the Governor for action.