

AMENDMENTS TO HOUSE BILL NO. 18

Sponsor: REPRESENTATIVE NEUMAN

Printer's No. 2014

1 Amend Bill, page 1, line 9, by inserting after "injuries"
2 , for transparency and for remedies

3 Amend Bill, page 1, lines 17 through 20, by striking out all
4 of said lines and inserting

5 Section 1. Section 306(f.1)(3)(vi) of the act of June 2, 1915
6 (P.L.736, No.338), known as the Workers' Compensation Act, is
7 amended by adding subclauses and paragraph (6) is amended by
8 adding a subparagraph to read:

9 Amend Bill, page 2, lines 6 and 7, by striking out
10 "nationally recognized, evidence-based"

11 Amend Bill, page 4, by inserting between lines 21 and 22

12 (K) To ensure transparency and strictly prohibit any
13 apparent or actual conflicts of interests, in addition to
14 adhering to all applicable requirements under 62 Pa.C.S.
15 (relating to procurement), the department may only select a drug
16 formulary that adheres to the following requirements:

17 (I) The drug formulary must be continuously nationally
18 recognized and evidence-based.

19 (II) No drug formulary's proposal shall be accepted until
20 all of the following persons have submitted to the department a
21 sworn statement of financial interest on a form prescribed by
22 the department demonstrating that the following persons can
23 realize no pecuniary gain or loss as a result of the selection
24 or denial of a medication, or its type, dosage or duration, for
25 use in the formulary:

26 (a) A person employed, engaged or otherwise serving in a
27 supervisory or management capacity.

28 (b) An officer, a director or a board member.

29 (c) A person with any input in the approval or denial of a
30 medication, or its type, dosage or duration, for use in the
31 formulary.

32 (d) A person with any input in amendments or edits to the
33 formulary.

1 (III) The persons listed in subprovision (II) shall
2 demonstrate that the drug formulary has established and will
3 continue to maintain a program designed to monitor for and
4 strictly prohibit apparent and actual conflicts of interest.

5 (L) Once selected by the department, the persons listed in
6 subclause (K) (II) shall:

7 (I) Immediately and by January 1 of each year, submit to all
8 of the following public officials a sworn statement of financial
9 interest demonstrating that all persons listed in subclause (K)
10 (II) can realize no pecuniary gain or loss as a result of the
11 selection or denial of a medication, or its type, dosage or
12 duration, for use in the formulary:

13 (a) The President pro tempore of the Senate.

14 (b) The Majority Leader and Minority Leader of the Senate.

15 (c) The chair and minority chair of the Labor and Industry
16 Committee of the Senate.

17 (d) The Speaker of the House of Representatives.

18 (e) The Majority Leader and Minority Leader of the House of
19 Representatives.

20 (f) The chair and minority chair of the Labor and Industry
21 Committee of the House of Representatives.

22 (g) The secretary.

23 (II) Ensure that any additions, removals, edits, changes or
24 amendments to the formulary and the reasons for those additions,
25 removals, edits, changes or amendments are immediately reported
26 in writing to the public officials listed in under subclause (L)
27 (I).

28 (III) Report to all public officials listed in subprovision
29 (I) all apparent or actual conflicts of interest and what steps
30 were taken to address those conflicts.

31 (IV) Ensure that the department may have access to, at any
32 time, all documents, records, persons or other information that
33 may be needed to ensure that the drug formulary is adhering to a
34 strict prohibition against all apparent or actual conflicts of
35 interest.

36 (M) A violation of subclause (K) or (L) constitutes a
37 misdemeanor of the first degree.