

**Arkansas Workers'
Compensation Commission
December 4, 2014
Notice of Public Hearing and Rule Making**

Pursuant to the Administrative Procedures Act codified at Ark. Code Ann. 25-15-201 et seq and the Arkansas Workers' Compensation Law codified at Ark. Code Ann. 11-9-101 et seq, notice is hereby given that the Arkansas Workers' Compensation Commission (Commission) is proposing to modify an existing rule. The following paragraph contains the newly proposed additions to amend Rule 099.30.

AMENDED RULE 099.30 MEDICAL COST CONTAINMENT PROGRAM

- t.** Establishes Medical Treatment Guidelines.
- u.** Establish a Drug Formulary

T. Treatment Guidelines

Effective January 15, 2015, the scope and duration of the medical treatment under workers' compensation shall be provided in accordance with the current edition of Official Disability Guidelines (ODG), as published by the Work Loss Data Institute. Medical treatment provided by or at the direction of the treating physician in accordance with ODG is presumed to be reasonable and necessary and not subject to utilization review. The employer or insurance carrier shall not be responsible for charges for medical treatment that is not provided in accordance with the ODG unless (1) it was provided in a medical emergency, (2) it was preauthorized by the employer or insurance carrier, or (3) it was approved by the Workers' Compensation Commission upon a finding based on clear and convincing evidence provided by or at the direction of the treating physician. Medications with the Status of N in the ODG Drug Formulary require preauthorization.

U. Drug Formulary

The Full Commission hereby adopts the ODG Workers' Compensation Drug Formulary. For workers' compensation claims with a date of injury on or after July 1, 2015, the closed formulary applies to all drugs that are prescribed and dispensed for outpatient use as of July 1, 2015. For legacy claims with a date of injury before July 1, 2015, the closed formulary applies to all drugs that are prescribed and dispensed for outpatient use as of July 1, 2016. Under the closed formulary, preauthorization is required for all drugs with Status N in the ODG.

Amended Rule 099.30 Medical Cost Containment Program can be read in its entirety on the Arkansas Secretary of State's Website at www.sos.arkansas.gov and also at the Arkansas Workers' Compensation Website at www.awcc.state.ar.us.

A public hearing will be held on Thursday, December 4, 2014, beginning at 10:00 a.m. in hearing room "A" located on the third floor of the Workers' Compensation Building at 324 Spring Street, Little Rock Arkansas 72203. Oral and written comments will be considered at the hearing. Written comments may be submitted by postal mail to the Arkansas Workers' Compensation Commission, P.O. Box 950, 4th & Spring Streets,

Little Rock Arkansas 72203-0950, by fax to 501-682-2786 or by email to jkennedy@awcc.state.ar.us.