

ADVISORY NO. 435

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TOPIC: CLOSED FORMULARY (DRAFT INFORMAL RULES)

The Division of Workers' Compensation has released draft rules relating to the development of a closed formulary. These rules incorporate by reference certain exclusions contained in the formulary found in the Official Disability Guidelines (ODG).

The draft rules have been published prior to the formal proposal of the rules. Interested stakeholders are entitled to provide written comments on the draft rules on or before January 21, 2009.

The Division's announcement of the publication of the draft rules is set out fully below.

Informal Working Draft of Rules Relating to Pharmaceutical Benefits and a Pharmacy Closed Formulary

28 TAC §§134.500, 134.506, 134.507, 134.508 and 134.509

Informal Comments due by January 21, 2009

The Texas Department of Insurance, Division of Workers' Compensation, (TDI-DWC) has prepared a working draft of rules concerning Pharmaceutical Benefits, which include a Pharmacy Closed Formulary. These draft rules are to be proposed in order to implement the provisions of section 3.090 of HB 7, 79th Legislature, Regular Session, which amended Labor Code Chapter 408 (Workers' Compensation Benefits).

TDI-DWC invites your input on the working draft rules. This is an informal posting and not a publication for rulemaking as required by Chapter 2001 of the Government Code.

To expedite the process, we encourage comments to the informal working draft be submitted electronically via email to: InformalRuleComments@tdi.state.tx.us . We request that any informal comments be submitted by 5:00 p.m. on January 21, 2009.

Thank you for your interest and assistance in this process. A copy of the informal draft rules may be downloaded from the first link below. For your convenience, the closed formulary contained in the informal working draft rules is also provided and shows the Official Disability Guidelines formulary as it is seen on the Work Loss Data Institute website. This closed formulary may be downloaded from the second link below, and the drugs in the formulary are sorted three different ways: (1) by drug class; (2) by generic name; and (3) by brand name.

FLAHIVE, OGDEN & LATSON

Feel free to contact the individual listed below if you have any questions:

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Working Draft of "Rules Relating to Pharmaceutical Benefits and Pharmacy Closed Formulary." ([PDF format](#), [Word format](#))

Official Disability Guidelines formulary (Appendix A) ([PDF format](#), [Word format](#))

For more information contact: InformalRuleComments@tdi.state.tx.us

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