

Regulatory Impact Statement for the amendment of Subpart 441 of Title 12 NYCRR

1. Statutory Authority: Workers' Compensation Law (WCL) § 13-p requires the Chair to adopt a drug formulary and provide for amendment to the formulary upon consideration of suggestions made by interested parties, and WCL §117(1) authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with, and supplemental to, the provisions of the WCL.

2. Legislative Objectives: The proposed amendments seek to modify the drug formulary based on review and consideration of suggestions made by interested parties as required by section 13-p of the WCL.

3. Needs and benefits: Workers' Compensation Law §13-p required the Chair to consider suggestions made for changes to the formulary. The proposed amendment incorporates proposed modifications to the formulary in response to feedback received, as the intent is for the drug formulary to evolve to better address the needs of injured workers.

4. Costs: The only costs associated with this proposal would be the minor programming costs to incorporate the minimal changes to the formulary.

5. Local government mandates: The proposed amendments do not impose any program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district. However, a municipality or governmental agency that is self-insured is required to comply with the same rules required of insurance carriers.

6. Paperwork: The proposal does not impose any new reporting requirements.

7. Duplication: The proposal does not duplicate other regulatory initiatives.

8. Alternatives: An alternative would be to not update the formulary, but as the legislative objective is to consider the suggestions of interested parties and the Board has considered the suggestions and finds them to be meritorious. Accordingly, not updating the list is not advisable.

9. Federal standards. There are no applicable Federal Standards.

10. Compliance schedule: All affected pharmacies, carriers, and self-insured employers will have to comply with the proposed changes to the prescription drug formulary by the effective date.