



Texas Department of Insurance

Division of Workers' Compensation

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Memorandum

To: Workers' Compensation System Participants

From: Matthew Zurek, Executive Deputy Commissioner for Health Care Management and System Monitoring

Date: July 24, 2012

Subject: Pharmacy Closed Formulary Sample Notification Letters for Legacy Claims

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) adopted by rule a pharmacy closed formulary (closed formulary) in December 2010. Employees injured on or after September 1, 2011 are already subject to the closed formulary. However, beginning September 1, 2013, prescriptions for employees who were injured before September 1, 2011 (known as "legacy claims") will also be subject to the closed formulary.

Insurance carriers by rule are required to identify all legacy claims that have been prescribed a drug(s) excluded from the closed formulary after September 1, 2012 and send a written notification to the injured employee, prescribing doctor, and pharmacy (if known) informing them that the closed formulary will apply to these claims starting September 1, 2013. The TDI-DWC encourages insurance carriers to initiate notification to these parties even sooner if possible to ensure that there is adequate time to discuss the possible application of the closed formulary to these claims allowing for a smooth transition.

The TDI-DWC has created sample notification letters that insurance carriers may use to fulfill the notification requirements of 28 Texas Administrative Code §134.510, relating to Transition to the Use of the Closed Formulary for Claims with Date of Injury Prior to September 1, 2011.

The TDI-DWC developed these sample notification letters as a courtesy to workers' compensation system participants to encourage timely and effective communication for these claims. Insurance carriers are under no obligation to use these sample templates to complete their notification process requirements.

Insurance carriers and system participants may also reference the pharmacy page on the TDI website at <http://www.tdi.texas.gov/wc/pharmacy/index.html>.

If you have questions regarding the sample notification letters, contact the TDI-DWC by calling *Comp Connection for Health Care Providers* at 1-800-372-7713 and select option 3 or e-mailing medben@tdi.texas.gov.