



Texas Department of Insurance

Division of Workers' Compensation

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Memorandum

Date: December 9, 2013
To: Texas Workers' Compensation System Participants
From: Matthew Zurek, Executive Deputy Commissioner for Health Care Management and System Monitoring
Subject: Reminder on Direction of Care Prohibitions for Pharmacy Services

Texas workers' compensation system participants are reminded that insurance carriers, including their agents, are prohibited from requiring that injured employees receive pharmacy services from certain pharmacies. Injured employees may fill prescriptions at the pharmacy of their choice as long as the pharmacy accepts workers' compensation. The Texas Labor Code specifically addresses this as follows:

§408.028. Pharmaceutical Services.

(c) Except as otherwise provided by this subtitle, an insurance carrier may not require an employee to use pharmaceutical services designated by the carrier.

§408.0281. Reimbursement for Pharmaceutical Services; Administrative Violation.

(b) Notwithstanding any provision of Chapter 1305, Insurance Code, or §504.053 of this code, prescription medication or services, as defined by §401.011(19)(E):

(2) may not be delivered through:

- (A) a workers' compensation health care network under Chapter 1305, Insurance Code; or
- (B) a contract described by §504.053(b)(2).

If there are any questions regarding the information in this memorandum, call the toll-free *Comp Connection for Health Care Providers* at 1-800-372-7713, option 3 or in the Austin area dial 512-804-4000.