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ATTORNEYS AT LAW

Information for Filling Your Prescriptions Through Your Workers' Compensation Benefits

Many workers' compensation clients come into my office and are concerned about how they will be able to fill their prescriptions for their injuries. Workers' compensation makes it easy and convenient for you to have your prescriptions filled, with little or no out-of-pocket expenses. The law ensures that you will be able to obtain your prescriptions but where you get them from may be a little different from what you are used to with non work-injury prescriptions.

Amendments to the workers' compensation law allow the insurance carrier to designate which pharmacy, pharmacy network or mail-order pharmacy you will have to use to fill your prescription. The insurance carrier will notify you of which pharmacy you must use and will provide instructions as to how to fill and refill your prescriptions. Generally, you will need to provide the pharmacy with your case number and other basic information to enroll. Afterwards, you may receive a benefits card that you will use as your identification to fill your prescriptions.

For example, the New York State Insurance Fund, a common workers' compensation carrier, has entered into an agreement with Express Scripts. Express Scripts is known as a Pharmacy Benefits Manager (PBM) and will arrange to fill your prescriptions by sending you to a designated pharmacy or allowing you to order by mail. There are many other Pharmacy Benefits Management companies designated by different carriers, such as the Injured Workers' Pharmacy, ScripNet and AWPRx. The insurer will notify you of which PBM you will be required to use to fill your prescription.

This does not mean that a carrier can tell you what prescription drugs you can or cannot take. The law simply means that you may not be able to use your regular pharmacy to fill or refill your prescriptions. You must obtain your medications through these designated pharmacies, unless you have a medical emergency and you cannot get to the network pharmacy in time.

If the insurance carrier is contesting your claim, which means that the carrier is denying your claim, the carrier is not required to pay for your prescriptions. If this is the case, and the designated pharmacy will not fill your prescriptions, you can have the prescription filled at any other pharmacy but you must pay for them. You should submit your prescription bills to the insurance carrier for payment as they have 45 days to pay or deny your claim. If the claim is eventually accepted, you may be able to seek reimbursement for your prescription bills.

Generally, if you have private health insurance, they will not cover your prescriptions because your injury is work-related. So if your case is contested, make sure that you submit your receipts to the insurance carrier and keep copies for yourself. If the carrier does not designate a specific PBM, you may use any pharmacy that accepts workers' compensation benefits, such as CVS, but you may have to pay for the prescriptions and be later reimbursed directly from the carrier.