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WORKERS' COMPENSATION NEWS

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Pennsylvania Introduces Guidelines for Safe Prescribing of Opioids in WC Matters

On July 16, 2018, Pennsylvania Governor Tom Wolf introduced guidelines for safe prescribing of opioids in workers' compensation matters. The opioid prescribing guidelines are intended to supplement and not replace clinical judgment for health care providers concerning treatment of patients with work-related injuries. The guidelines acknowledge that opioids have been over-used for the treatment of both acute and chronic pain. Here is a link to the [Safe Prescribing for Workers' Compensation](#) Guidelines.

The recommendations were suggested by a "Prescribing Guidelines Task Force" to promote safe quality health care to injured workers, ensure pain relief and functional improvement, reduce the number of complications caused by prescription medications and prevent addiction. The Task Force noted a 37% increase in opioid overdose deaths in Pennsylvania from 2015 to 2016. The Task Force identified two categories for consideration: (1) treatment of acute, sub-acute and post-operative pain and (2) treatment of chronic pain.

For acute, sub-acute and post-operative pain, the guidelines recommend first prescribing up to 3,000 mg/day of an over-the-counter pain reliever, potentially in combination with use of a non-steroidal anti-inflammatory drug (NSAID). When that does not work, the guidelines recommend prescribing a limited supply of a non-opioid muscle relaxant such as cyclobenzaprine or baclofen. Other pre-opioid treatments recommendations include non-opioid medications such as gabapentin, pregabalin and duloxetine. In addition, physical and support pain treatment modalities such as rest, ice, physical therapy, chiropractic care, music and meditation should be considered. If opioids are necessary for moderate to severe acute pain, the guidelines provide that they should be used in the lowest effective dose for the shortest duration possible with the initial prescription not exceeding a seven-day supply.

For chronic pain, the guidelines recommend first considering non-pharmacological treatment options and non-opioid pain treatment options. Before opioids are administered for chronic pain, medical providers should conduct and document a comprehensive patient history, examine the patient for mental health issues, order urine drug screens and check the Prescription Drug Monitoring Program. Opioids should only be continued if clinically-meaningful improvements are observed and patients are not experiencing unacceptable adverse effects. The guidelines also provide that clinicians should clearly document the prescribed daily opioid dose and calculate and document the oral morphine equivalent daily dose (MEDD). Of note, the guidelines point out that there is no data to support improved efficacy with daily doses greater than 90 mg/day MEDD.

At this time, these workers' compensation prescribing guidelines are not legally binding on the prescribing physicians. However, they provide useful recommendations for the treatment of acute, subacute and post-

operative pain as well as chronic pain. The guidelines also review the effect opioids will have on a patient's work status and progress toward return to work following a work injury.

Zachary M. Rubinich is a partner in our Philadelphia office. He focuses his practice on the defense of insurance carriers, self-insured entities and third-party administrators against workers' compensation claims in Pennsylvania. Based on his extensive experience, the Pennsylvania Bar Association Workers' Compensation Law Section has certified him as Specialist in the practice of workers' compensation law. Zach has handled all aspects of litigation before workers' compensation judges, the Workers' Compensation Appeal Board, the Commonwealth Court and the Pennsylvania Supreme Court. He routinely counsels employers, insurance carriers and third party administrators on claims management, workplace safety, return-to-work programs, employment practices and risk management.



Zach has been appointed the Chair-Elect of the American Bar Association's Tort Trial and Insurance Practice (TIPS) Workers' Compensation and Employers' Liability Law Committee for 2018-2019. He is currently Vice-Chair of the ABA TIPS Workers' Compensation and Employers' Liability Law Committee for 2017-2018. He also served as Vice-Chair in 2015-2016 and 2016-2017. In addition, Zach has been appointed as Vice-Chair of the 2017-2018 American Bar Association Standing Committee for Diversity and Inclusion. Zach has been rated AV Preeminent by Martindale-Hubbell for the sixth consecutive year in 2018. He has been selected as a Pennsylvania Rising Star by Super Lawyers from 2010 to 2014.

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