



IWP: A SOLUTION FOR OCCUPATIONAL HEALTH PROVIDERS TO OFFER MEDICATIONS IN DISPUTED WC CASES

By David J. Fletcher, MD MPH

Occupational Health Programs that treat injured workers are often placed in a difficult quandary when cases end up being denied and/or disputed by an employer's WC carrier after care of injury has commenced. Once a provider has commenced treating an injured worker, it is unethical for a provider to abandon an injured worker just because the work comp carrier is denying coverage. Until the care is transferred to another provider willing and able to take over care, the occupational health provider must continue to provide care for the injured worker regardless of the patient's ability to pay.

While continuing to provide care is the right thing to do when a patient's case is disputed, the hard part is assisting patients whose needs are way beyond just evaluation and management services offered by an occupational health provider. For example, it is very challenging to continue treatment for an injured worker, when the injured worker needs pharmaceuticals and there are no alternate health care insurance options, and the patient has limited financial resources to self-pay for medications.

Unfortunately, this situation is very common at my clinic these days. I believe that the pandemic has contributed to the situation where more WC carriers end up denying care for injured workers leading to a long dispute which usually ends up in seemingly endless litigation. Over the past decade, states have slashed workers' compensation benefits, denying injured workers help when they need it most and shifting the costs of workplace accidents to taxpayers. (see detailed investigation by [Propublica](#) that documents the shift of work-related injuries to the public sector).

Since the pandemic ensued in March 2020, millions of dollars of costs are being shifted to taxpayers for Work related Covid cases and IWP (Injured Workers Pharmacy) has stepped up with these cases to assist ill workers who contract COVID -9 on the job get the medications they need.

Enter the Injured Workers Pharmacy (IWP) to offer solutions in these situations where an injured worker has run out of options to obtain needed medication for a work-related injury or access to a pharmacy. IWP empowers providers with the ability to still provide needed medication for injured workers with disputed cases.



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We have long dispensed medications at our office for injured workers. In Illinois, physician dispensing is a very common practice in the work comp (WC) marketplace. According to Workers Compensation Research Institute (WCRI), more than 50% of all prescriptions for IL WC patients are dispensed by physicians. However, this practice is for WC cases, with accepted claims that commonly partner with a third party vendor. The vendor carries the financial debt to get paid by a WC carrier for point-of-care medications dispensed. SafeWorks Illinois has partnered with AHCS (<https://ahcs.com>) as our vendor for our point-of-care dispensing program for a decade. The program provides a small source of revenue (costs of these commonly prescribed generic drugs are comparable to a CVS or Walgreens) for the clinic but offers tremendous patient convenience, as there is no extra stop at a pharmacy or the need to wait for authorization. More importantly, for me as a practitioner, dispensing drugs to injured workers accelerates the time for the patient to achieve Maximum Medical Improvement (MMI) by ensuring compliance and rapid administration of therapeutics on a timely basis.

IWP: WHAT IS IT?

Injured Workers Pharmacy (IWP) is a specialized workers' compensation home delivery pharmacy that helps injured workers access their prescription medications without delays, denials, or out-of-pocket costs. The IWP Pharmacy staff is trained on state-specific workers' compensation nuances and works closely with the prescriber and patient to offer clinical counseling and medication management. IWP touts itself as "not your average pharmacy." They specialize in the complex workers' comp system and help injured workers get their medications without the delays and denials an injured worker may experience at a local pharmacy.



Here's how IWP makes things simple and easy for injured workers:

- Medications are delivered directly to the patient's home.
- There are no upfront or out-of-pocket cost for prescriptions. It shifts the risk of non-payment away from the patient and provider to IWP.
- Experienced pharmacy staff are always available to answer questions for injured workers.
- There is close monitoring of opioid prescriptions.
- They offer compounding medications.

Basically, IWP provides uninterrupted prescription care to injured workers across the country who would not be able to receive needed medication to take care of an injury or illness.

INJURED WORKERS PHARMACY: HOW DOES IT WORK?

Providers who are interested in referring patients who need IWP's services should find out who their territory manager is by contacting the national IWP office.

In Illinois, I have Carla Savino as my direct contact. She is the Territory Manager for the State of Illinois and serves as a tremendous resource for my referrals to IWP.

She requires obtaining basic information such as patient demographics, date of injury, claim number, name of legal representatives, and employer/carrier information.

In my experience IWP contacts the patient the same day a referral is made and expeditiously processes the application. One minor complaint about IWP that I hear from patients is that they have to be there at the house to physically sign for medications shipped, but this is good industry practice to combat diversion of drugs.

IWP: IT HAS IT'S SHARE OF CRITICS

The company's business model has been attacked by critics who state that it is predicated on getting prescribing doctors and claimant attorneys to have their patients/clients get their medication from IWP.

Critics cite several potential issues with the IWP's business model, including:

- There's no opportunity for the payer to prevent an inappropriate or even dangerous, medically unsound script.
- The prices can much higher than a similar medication at a retail drug store.
- IWP's billing creates huge headaches for adjusters, clinical managers, and bill processors.

In 2020, Mass. Attorney General Maura Healey announced an \$11 million dollar settlement with IWP resolving allegations that IWP failed to implement adequate safeguards against unlawful and dangerous dispensing, resulting in the shipment of thousands of potentially illegitimate controlled substance prescriptions across the country.

In the complaint, filed in Mass. Suffolk Superior Court, the AG's Office alleged Injured Workers Pharmacy (IWP) violated Massachusetts consumer protection law by failing to implement effective policies and procedures for reviewing prescriptions to determine whether they were legitimate and by engaging in unlawful marketing practices to drive sales, including paying law firms for patient referrals.

Joe Harper, IWP National Sales rep, commented in December 2021 on the investigation: "The review centered on IWP historic business practices; The issues raised by the Mass. Attorney General were related to programs initiated prior to current leadership. Over the past several years IWP has enhanced its compliance program and strengthened its processes consistent with industry standards. This includes updates to our sales and marketing compliance programs, including strengthening our approach to working with law firms to better serve our patients. As a result of our agreement with the Mass AG and consistent with our commitment to maintain a first-class compliance program, we are implementing additional best-in-class safeguards; These enhancements demonstrate IWP's leadership by ensuring safe dispensing practices for its patients. The agreement and updates to our processes will have no impact on our continued ability to provide the outstanding services you expect from IWP. As of October 2021, IWP satisfied all of its obligations connected to the settlement including the successful completion of a third-party audit that found IWP was in compliance with all aspects of the settlement agreement."

In the wake of the investigation, IWP hired a full-time Chief Compliance Officer to oversee IWP's compliance obligations, help assess whether to block and report prescribers, and design and administer training programs to teach IWP staff about red flag prescribing behaviors. With my own patients, I have seen IWP's due diligence on patients who I've prescribed opioid drugs, including making morphine equivalent calculations and providing suggestions on alternate drugs to consider prescribing that are less risky.



IWP management also stresses that their system has automated reporting to prescription drug monitoring programs (PDMP) and I can confirm they do this. When I check a PDMP for my own patients, I can see the scripts I have written that were filled by IWP, which appear on the Illinois PDMP program website.

Harper stresses that IWP is committed to the advancement of sound public policies within the workers' comp and pharmacy world. He believes by focusing on public policies and regulations that impact our unique business model, our industry and the injured workers we serve, that we are embracing and furthering our mission of being THE Patient Advocate Pharmacy.

There have been several favorable legal decisions regarding IWP, confirming that they are a legitimate pharmacy that can serve all 50 states. There was a decision in Kentucky involving IWP where there were five separate medical fee disputes filed by KESA, the Kentucky Workers' Compensation Fund, on behalf of its insureds-Steel Creations, Preston Highway Metered Concrete, Murray Electronics, Family Allergy and Asthma, and Samaritan Alliance.

The disputes were filed against the Injured Workers' Pharmacy (IWP) and Kevin Kerch, Donald Grammer, Kem Barnes, Rita Merrick, and Shauna Little (Hardin), all of whom had their prescriptions filled by IWP. This litigation has involved three primary issues: (1) whether a pharmacy/pharmacist is a medical provider; (2) whether an injured worker is entitled to choose which pharmacy he or she uses to fill prescriptions or whether that "choice" belongs to the employer or its insurer; and (3) how to interpret the pharmacy fee schedule.



Nucynta, a schedule II controlled substance, is well-suited for pain conditions requiring a strong opioid component (post-operative pain or pain where other medications have failed) and it has the benefit of greater gastrointestinal tolerability compared to classical strong opioids. There is very little opioid induced constipation (OIC) with this drug. In addition, it lowers the risk for patients who need a chronic opioid drug because it does not contain Tylenol (Acetaminophen), which may be toxic to the liver.

Studies have shown that Nucynta works as well as oxycodone for spinal compression fractures and the pain relief provided is similar to oxycodone and morphine. Based on my own clinical experience for the past 10 years and post-marketing research studies, Nucynta appears to have a low level of abuse because it provides pain relief only and no euphoria feeling, which is often associated with hydrocodone. Although it has all of these advantages, getting one of the 340 different insurance carriers who write workers' compensation insurance in Illinois to approve a scrip for Nucynta can be challenging. Therefore, I often refer the patient to IWP to get the best medication to treat their condition because of roadblocks set up by the IL WC system.

The service delivery by IWP is excellent. I had a patient who I needed a prescription for Nucynta Extended Release tablets because he had adverse reactions with Hydrocodone. He got the drug delivered on Christmas Eve 2021, a day after my office sent off the prescription and his demographics to IWP



The Chief Administrative Law Judge (CALJ) found that a pharmacy/pharmacist is a medical provider, which entitles an injured worker to choose where to have his or her prescriptions filled. The CALJ also found the pharmacy fee schedule is based on the amount a pharmacist pays a wholesaler for medication, and that IWP is entitled to interest on any underpayment by KESA.

CASE STUDY

I utilize IWP even in cases which are not disputed but, in a situation, where a WC carrier has denied authorization for a particular medication that I have prescribed for an injured worker. The Illinois Workers Compensation Act (ICWA) does not have a drug formulary and an employer's carrier is responsible for any prescription drug that is reasonable and necessary to treat an injured worker but often times the carrier will block authorization for payment that prevents an outside pharmacy filling the prescription.

For chronic opioid use I prefer to use Nucynta (Tapentadol), the last synthetic opioid developed. The drug is an expensive brand drug (I paid \$566 to Walgreens on 12/27/21 for 60 tablets of Nucynta 50mg ER that Medicare Part D would not cover at all for my upcoming January 2022 left foot bunion surgery) but offers several advantages for patients that prove its value. Like Ultram (tramadol) which is similar to Nucynta, this medication is considered "different" than the classic opioid meds such as Hydrocodone, Oxycodone, Morphine, Fentanyl, or Codeine.

Nucynta (Tapentadol) comes in an immediate or extended release pill (Nucynta ER). Nucynta's effect on the opioid receptor is a more prominent norepinephrine reuptake inhibitor.

CONCLUSION: IWP IS A LIFESAVER FOR INJURED WORKERS

IWP does live up to its hype. It offers life-changing free medication delivered to an injured worker's doorstep, it's that simple and convenient.

While we channel patients to IWP that need that help to obtain prescription medication we also try to re-route patients to alternate insurance sources and suggest if appropriate that they apply for SSDI so they may eventually get on Medicare. We always stress additional choices available in the marketplace with the advent of Obamacare. We also give out resources for injured workers who are not covered by their employer's WC carrier to find another source of care beyond being a cash pay patient, which more than 90% of my patients are unable to self-fund their injury care.

"IWP is a fantastic equalizer and champion for the injured worker. They provide access to quality pharmaceutical products for the injured worker who has been wrongfully denied or delayed when the injured worker is most vulnerable to insurance company tactics," says veteran injured worker attorney Todd Strong, who operates Strong Law throughout Central Illinois and Chicago.

My experience with patients is that IWP has been an invaluable lifeline to vulnerable injured workers. One patient I am taking care of was injured more than three years ago and had an accepted WC claim where he received medical benefits until he was cut off after an unfavorable IME. After his benefits were terminated, he had no means to pay for his opioid medication and neuropathic agents that he depended on and so he began to utilize IWP for his pharmacy needs while his WC claim was being litigated. Even after he won the 1st level of arbitration and was awarded benefits, he had to continue to use IWP because his employer's WC carrier appealed the decision to pay benefits. He may have to wait another year or two as his case snakes through the next level of the IWCC judicial system to rule on his claim. In addition, the Illinois Medicaid programs would not authorize the medications he needed to treat his work injury.

I have never experienced any pressure to refer patients to IWP and I certainly have never been offered a kickback by making such a referral. My experience has been that IWP has always acted with a high standard of ethical behavior and tremendously assisted in the care of my patients who because of IWP are able to continue to get medications on an uninterrupted basis to treat their particular malady. ◀

To learn more about IWP, visit their website at www.IWPharmacy.com or call 888-321-7945



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