IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

FEDERATED INSURANCE COMPANY	:	No. 61 MAL 2024
	:	
v.	:	Petition for Allowance of Appeal
	:	from the Order of the
	:	Commonwealth Court
SUMMIT PHARMACY (BUREAU OF WORKERS' COMPENSATION FEE REVIEW HEARING OFFICE)	:	
PETITION OF: SUMMIT PHARMACY	:	

ORDER

PER CURIAM

AND NOW, this 27th day of August, 2024, the Petition for Allowance of Appeal is **GRANTED**. The issues, as stated by petitioner are:

(1) Did Commonwealth Court exceed its authority when it substituted its judgment for that of the General Assembly, by limiting the authority of the Bureau of Workers' Compensation to specify which prescription drug fee schedule it may choose to resolve disputes, 34 Pa. Code § 127.131(b), when that function is properly reserved for the legislature and the Bureau of Workers' Compensation?

(2) By invalidating the Red Book as the standard for determining the "average wholesale price" of pharmaceutical products, did Commonwealth Court err by construing "average wholesale price" according to its common meaning rather than according to its meaning within the pharmaceutical industry?

(3) Did Commonwealth [Court] err by sub silentio invalidating all statutes or regulations in Pennsylvania that base payment for pharmaceuticals on the Red Book, including childhood immunizations and the PACE Program, both of which are also based on Red Book values?

The parties are further directed to address the preliminary issue of whether the Commonwealth Court's order is appealable.

The Petition for Supersedeas and/or Stay Pending Appeal is **DENIED**.