

Supreme Court of Pennsylvania



Allocatur Docket Sheet

Docket Number: 61 MAL 2024

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May 30, 2025

CAPTION

Federated Insurance Company

v.

Summit Pharmacy (Bureau of Workers' Compensation Fee Review Hearing Office)

Petition of: Summit Pharmacy

CASE INFORMATION

Initiating Document: Petition for Allowance of Appeal

Case Status: Closed

Journal Number:

Case Category: Administrative Agency

Case Type(s):

Workers' Compensation Appeal
Board - Fee

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Attorney: Siegel, Daniel Joel
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 Receive EMail: Yes Email:
 Representing: Summit Pharmacy, Petitioner
 Pro Se: No
 IFP Status:

Attorney: High, Christa Frank
 Law Offices of Daniel J. Siegel, LLC
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 Representing: Summit Pharmacy, Petitioner
 Pro Se: No
 IFP Status:

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COUNSEL INFORMATION

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 Pro Se: No
 IFP Status:

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 Self employed
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 Receive EMail: Yes Email:
 Representing: Federated Insurance Company, Respondent
 Pro Se: No
 IFP Status:

SUPREME COURT INFORMATION

Appeal From:

Appeal Filed Below:

Probable Jurisdiction Noted:

Docketed Date:

January 30, 2024

Allocatur/Miscellaneous Granted:

Allocatur/Miscellaneous Docket No.:

Allocatur/Miscellaneous Grant Order:

FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
01/30/2024	Petition for Allowance of Appeal Filed	90.25	01/30/2024	2024-SUP-M-000265	90.25

INTERMEDIATE APPELLATE COURT INFORMATION

Court Name: Commonwealth
 Date of Order: January 2, 2024
 Judge(s): Cohn Jubelirer, Renee
 McCullough, Patricia A.
 Covey, Anne E.
 Wojcik, Michael H.
 Fizzano Cannon, Christine
 Dumas, Lori A.
 Wallace, Stacy

Docket Number: 115 CD 2023
 Rearg/Recon Disp Date:
 Rearg/Recon Disposition:

Intermediate Appellate Court Action: Reversed/Remanded

Referring Court:

Supreme Court of Pennsylvania



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AGENCY/TRIAL COURT INFORMATION

Court Below: Bureau of Workers' Compensation

County: Division: Bureau of Workers' Compensation

Date of Agency/Trial Court Order: January 11, 2023

Docket Number: DSP-3625674-22

Judge(s): OTN:

Order Type: Order

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content/Description
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Record Remittal:

DISPOSITION INFORMATION

Related Journal No: Judgment Date:

Category: Decided Disposition Author: Per Curiam

Disposition: Order Granting Petition for Allowance of Appeal Disposition Date: August 27, 2024

Dispositional Filing: Author:

Filed Date:

DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
January 30, 2024	Petition for Allowance of Appeal	Petitioner	Summit Pharmacy
January 30, 2024	Reproduced Record	Petitioner	Summit Pharmacy
February 13, 2024	Answer to Petition for Allowance of Appeal	Respondent	Federated Insurance Company
March 26, 2024	Application for Supersedeas / Stay Pending Appeal	Petitioner	Summit Pharmacy
April 5, 2024	Answer to Application for Supersedeas / Stay Pending Appeal	Respondent	Federated Insurance Company

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DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
August 27, 2024	Order Granting Petition for Allowance of Appeal		Per Curiam

Comments:

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.

August 27, 2024	Order Exited	Office of the Prothonotary
August 27, 2024	Case was transferred to 64 MAP 2024	Office of the Prothonotary

Comments:

Case was transferred to 64 MAP 2024

CROSS COURT ACTIONS

Docket Number:	115 CD 2023
Docket Number:	64 MAP 2024