Supreme Court of Pennsylvania

Allocatur Docket Sheet

Docket Number: 61 MAL 2024

November 4, 2026

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		
	Law Offices of Daniel J. Siegel, LLC		
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Receive Mail:	Yes		
Receive EMail:	Yes	Email:	
Representing:	Summit Pharmacy, Petitioner		
Pro Se:	No		
IFP/Waiver:			

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Receive EMail:	Yes	Email:	
Representing:	Summit Pharmacy, Petitioner		
Pro Se:	No		
IFP/Waiver:			

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COUNSEL INFORMATION

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Pro Se:	No
IFP/Waiver:	

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

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	Docket Number:	115 CD 2023
Date of Order:	January 2, 2024	Rearg/Recon Disp Date:	
		Rearg/Recon Disposition:	

Judge(s): Cohn Jubelirer, Renee
McCullough, Patricia
Covey, Anne E.
Wojcik, Michael H.
Fizzano Cannon, Christine
Dumas, Lori A.
Wallace, Stacy

Intermediate Appellate Court Action: Reversed/Remanded

Referring Court:

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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

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

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