

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1093

Introduced by Lathrop, 12; Campbell, 25.

Read first time January 21, 2010

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Medicaid Prescription Drug Act;
2 to amend sections 68-953 and 68-954, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to
4 the pharmaceutical and therapeutics committee; and to
5 repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-953, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 68-953 (1) No later than July 1, 2010, the department
4 shall establish and maintain a preferred drug list for the medical
5 assistance program. The department shall establish a pharmaceutical
6 and therapeutics committee to advise the department on ~~all matters~~
7 ~~relating to the establishment and maintenance of such list.~~
8 any limitations to be imposed on any prescription drug, drug
9 formulation, or drug use for a specific indication which shall
10 be based solely on sound clinical evidence found in labeling,
11 drug compendia, and peer review clinical literature pertaining to
12 the use of the drug in the relevant population. A decision shall
13 be based on clinical information alone. The determination of net
14 economic benefit is the responsibility of the department.

15 (2) The pharmaceutical and therapeutics committee shall
16 include at least fifteen but no more than twenty members. The
17 committee shall consist of at least (a) eight physicians, (b) four
18 pharmacists, (c) a university professor of pharmacy or a person
19 with a doctoral degree in pharmacology, and (d) two public members.
20 No more than twenty-five percent of the committee shall be state
21 employees.

22 (3) The physician members of the committee, so far as
23 practicable, shall include physicians practicing in the areas
24 of (a) family medicine, (b) internal medicine, (c) pediatrics,
25 (d) cardiology, (e) psychiatry or neurology, (f) obstetrics or

1 gynecology, (g) endocrinology, and (h) oncology.

2 (4) Members of the committee shall submit conflict of
3 interest disclosure statements to the department and shall have an
4 ongoing duty to disclose conflicts of interest not included in the
5 original disclosure.

6 (5) The committee shall elect a chairperson and a
7 vice-chairperson from among its members. Members of the committee
8 shall be reimbursed for their actual and necessary expenses as
9 provided in sections 81-1174 to 81-1177.

10 (6) The department, in consultation with the committee,
11 shall adopt and publish policies and procedures relating to the
12 preferred drug list, including (a) guidelines for the presentation
13 and review of drugs for inclusion on the preferred drug list,
14 (b) the manner and frequency of audits of the preferred drug list
15 for appropriateness of patient care and cost effectiveness, (c)
16 an appeals process for the resolution of disputes, and (d) such
17 other policies and procedures as the department deems necessary and
18 appropriate.

19 Sec. 2. Section 68-954, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 68-954 (1) The department and the pharmaceutical and
22 therapeutics committee shall consider all therapeutic classes of
23 prescription drugs for inclusion on the preferred drug list, except
24 that antidepressant, antipsychotic, and anticonvulsant prescription
25 drugs shall not be subject to consideration for inclusion on the

1 preferred drug list. The pharmaceutical and therapeutics committee
2 shall review any new prescription drug approved by the federal Food
3 and Drug Administration which has been marketed for six months or
4 less and which is subject to review for inclusion on the preferred
5 drug list at the committee's next regularly scheduled review of the
6 appropriate class of drugs.

7 (2) (a) The department shall include a prescription
8 drug on the preferred drug list if the prescription drug is
9 therapeutically equivalent to or superior to a prescription drug on
10 the list and the net cost of the new prescription drug is equal to
11 or less than the net cost of the listed drug, after consideration
12 of applicable rebates or discounts negotiated by the department.

13 (b) If the department finds that two or more prescription
14 drugs under consideration for inclusion on the preferred drug list
15 are therapeutically equivalent, the department shall include the
16 more cost-effective prescription drug or drugs on the preferred
17 drug list, after consideration of applicable rebates or discounts
18 negotiated by the department.

19 (3) The department shall maintain an updated preferred
20 drug list in electronic format and shall make the list available to
21 the public on the department's Internet web site.

22 Sec. 3. Original sections 68-953 and 68-954, Reissue
23 Revised Statutes of Nebraska, are repealed.