Introduced by Lowe, 37.
Read first time January 13, 2017
Committee: Business and Labor

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-1,110, Revised Statutes Cumulative Supplement, 2016; to provide for an evidence-based drug formulary as prescribed; to harmonize provisions; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,
Section 1. (1) The Nebraska Workers’ Compensation Court shall adopt an evidence-based drug formulary consisting of prescription drugs listed in Schedules II, III, IV, and V of section 28-405. Such formulary shall apply to prescription drugs that are prescribed and dispensed for outpatient use in connection with workers’ compensation claims with a date of injury on or after January 1, 2018.

(2) A prescription drug that is included in the formulary adopted by the compensation court and recommended in such formulary is presumed to be reasonable under subdivision (1)(a) of section 48-120 and may be prescribed and dispensed without obtaining prior authorization from the workers’ compensation insurer, risk management pool, or self-insured employer.

(3) A prescription drug that is not included in the formulary adopted by the compensation court or that is included but not recommended in such formulary is presumed to be reasonable under subdivision (1)(a) of section 48-120 if prior authorization for such drug is obtained from the workers’ compensation insurer, risk management pool, or self-insured employer.

(4) Any party may request a finding by an independent medical examiner pursuant to section 48-134.01 if (a) the workers’ compensation insurer, risk management pool, or self-insured employer denies payment for a prescription drug that is not included in the formulary adopted by the compensation court or that is included but not recommended in such formulary or (b) the workers’ compensation insurer, risk management pool, or self-insured employer denies prior authorization for a prescription drug that is not included in the formulary adopted by the compensation court or that is included but not recommended in such formulary.

(5) The compensation court may adopt and promulgate rules and regulations necessary to implement this section.

Sec. 2. Section 48-1,110, Revised Statutes Cumulative Supplement, 2016, is amended to read:
48-1,110 Sections 48-101 to 48-1,117 and section 1 of this act shall be known and may be cited as the Nebraska Workers' Compensation Act.

Sec. 3. Original section 48-1,110, Revised Statutes Cumulative Supplement, 2016, is repealed.