

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1052

Introduced by Wishart, 27.

Read first time January 16, 2020

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
- 2 section 68-955, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to prescription drugs not on the preferred drug
- 4 list; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-955, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 68-955 (1) Except as otherwise provided in subsection (2) or (3) of
4 this section, a A health care provider may prescribe a prescription drug
5 not on the preferred drug list to a medicaid recipient if (a) the
6 prescription drug is medically necessary, (b)(i) the provider certifies
7 that the preferred drug has not been therapeutically effective, or with
8 reasonable certainty is not expected to be therapeutically effective, in
9 treating the recipient's condition or (ii) the preferred drug causes or
10 is reasonably expected to cause adverse or harmful reactions in the
11 recipient, and (c) the department authorizes coverage for the
12 prescription drug prior to the dispensing of the drug. The department
13 shall respond to a prior authorization request no later than twenty-four
14 hours after receiving such request.

15 (2) A health care provider may prescribe an antidepressant,
16 antipsychotic, or anticonvulsant prescription drug to a medicaid
17 recipient if the prescription drug is medically necessary.

18 (3) ~~(2)~~ A health care provider may prescribe a prescription drug not
19 on the preferred drug list to a medicaid recipient without prior
20 authorization by the department if the provider certifies that ~~(a)~~ the
21 recipient is achieving therapeutic success with a course of
22 antidepressant, antipsychotic, or anticonvulsant medication or medication
23 for human immunodeficiency virus, multiple sclerosis, epilepsy, cancer,
24 or immunosuppressant therapy or ~~(b) the recipient has experienced a prior~~
25 therapeutic failure with a medication.

26 (4) Neither the department, a managed care organization, nor a
27 contracted pharmacy benefit manager shall deny coverage for an
28 antidepressant, antipsychotic, or anticonvulsant prescription drug that a
29 patient is taking and that is deemed medically necessary by the patient's
30 health care provider.

31 Sec. 2. Original section 68-955, Reissue Revised Statutes of

1 Nebraska, is repealed.