

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 138**

Introduced by Riepe, 12.

Read first time January 13, 2025

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public assistance; to amend section  
2 68-9,111, Revised Statutes Cumulative Supplement, 2024; to change  
3 pharmacy dispensing fees as prescribed; and to repeal the original  
4 section.

5 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 68-9,111, Revised Statutes Cumulative Supplement,  
2 2024, is amended to read:

3           68-9,111 (1)(a) Beginning with fiscal year 2024-25, contingent upon  
4 implementation of the contractual agreements with medicaid managed care  
5 organizations as described in subsection (2) of this section, the  
6 department shall establish a fee-for-service pharmacy dispensing fee  
7 reimbursement of ten dollars and thirty-eight cents per prescription for  
8 any independent pharmacy until a cost-of-dispensing survey is completed.  
9 The actual dispensing fee shall be determined by a cost-of-dispensing  
10 survey administered by the department and completed by all medical  
11 assistance program participating independent pharmacies every two years.  
12 The change in the dispensing fee shall become effective following federal  
13 approval of the medicaid state plan.

14           (b) For purposes of this section, independent pharmacy means any  
15 pharmacy as defined in section 71-425 that owns six or fewer pharmacies.

16           (2) The department shall amend all medicaid managed care  
17 organization contracts to authorize establishment of a managed care  
18 pharmacy dispensing fee reimbursement in accordance with the established  
19 fee-for-service pharmacy dispensing fee reimbursement per prescription  
20 for independent pharmacies pursuant to subsection (1) of this section.

21           (3) Any dispensing fee cost information submitted to the department  
22 as part of the cost-of-dispensing survey described in subsection (1) of  
23 this section that specifically identifies individual costs of a pharmacy  
24 or provider shall remain confidential.

25           (4) No later than December 15, 2024, the department shall  
26 electronically submit a report to the Clerk of the Legislature providing  
27 recommendations for adjusting pharmacy dispensing fees between completion  
28 of surveys to ensure fair and adequate reimbursement for independent  
29 pharmacies and all other pharmacies participating in the medical  
30 assistance program.

31           (5) Effective July 1, 2026, reimbursement of the dispensing fee for

1 independent pharmacies shall be ten dollars and thirty-eight cents per  
2 prescription. For all other pharmacies, as defined in section 71-425, and  
3 mail order pharmacies, reimbursement shall be paid per prescription as  
4 follows: (a) For pharmacies with fewer than thirty thousand prescriptions  
5 per year, ten dollars and thirty-eight cents; (b) for pharmacies with  
6 thirty thousand or more prescriptions and fewer than seventy thousand  
7 prescriptions per year, nine dollars and fifty-one cents; and (c) for  
8 pharmacies with seventy thousand or more prescriptions per year, eight  
9 dollars and thirty cents.

10 (6) No later than July 1, 2026, any pharmacy except a mail order  
11 pharmacy, that is the only enrolled pharmacy within a thirty-mile radius  
12 from another pharmacy shall be reimbursed a dispensing fee of ten dollars  
13 and thirty-eight cents per prescription.

14 (7) No later than July 1, 2026, the department shall complete a  
15 cost-of-dispensing survey as a follow-up to the survey released in  
16 December, 2024, and electronically submit a report to the Clerk of the  
17 Legislature that provides recommendations for adjusting pharmacy  
18 dispensing fees annually to ensure fair and adequate reimbursement for  
19 all pharmacies participating in the medical assistance program.

20 **Sec. 2.** Original section 68-9,111, Revised Statutes Cumulative  
21 Supplement, 2024, is repealed.