A BILL FOR AN ACT relating to the Medical Assistance Act; to amend section 68-955, Reissue Revised Statutes of Nebraska; to change provisions relating to prescription drugs not on the preferred drug list; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 68-955, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

(4) A managed care organization shall not substitute a generic equivalent for an antidepressant, antipsychotic, or anticonvulsant medication.

Sec. 2. Original section 68-955, Reissue Revised Statutes of Nebraska, is repealed.