

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 204

FINAL READING

Introduced by Riepe, 12.

Read first time January 09, 2023

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Medical Assistance Act; to amend
2 section 68-901, Revised Statutes Supplement, 2023; to establish
3 reimbursement for pharmacy dispensing fees for pharmacies
4 participating in the medical assistance program; to harmonize
5 provisions; to repeal the original section; and to declare an
6 emergency.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-901, Revised Statutes Supplement, 2023, is
2 amended to read:

3 68-901 Sections 68-901 to 68-9,104 and section 2 of this act shall
4 be known and may be cited as the Medical Assistance Act.

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

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

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

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

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

1 assistance program.

2 Sec. 3. Original section 68-901, Revised Statutes Supplement, 2023,
3 is repealed.

4 Sec. 4. Since an emergency exists, this act takes effect when
5 passed and approved according to law.