

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 245

Introduced by Nordquist, 7; Campbell, 25.

Read first time January 16, 2013

Committee: Health and Human Services

A BILL

- 1 FOR AN ACT relating to the Medical Assistance Act; to amend section
- 2 68-955, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to the preferred drug list; and to
- 4 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
2 Nebraska, is amended to read:

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

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

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

1 of Nebraska, is repealed.