

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 408

Introduced by Lowe, 37.

Read first time January 13, 2017

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to
- 2 amend section 48-1,110, Revised Statutes Cumulative Supplement,
- 3 2016; to provide for an evidence-based drug formulary as prescribed;
- 4 to harmonize provisions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The Nebraska Workers' Compensation Court shall adopt
2 an evidence-based drug formulary consisting of prescription drugs listed
3 in Schedules II, III, IV, and V of section 28-405. Such formulary shall
4 apply to prescription drugs that are prescribed and dispensed for
5 outpatient use in connection with workers' compensation claims with a
6 date of injury on or after January 1, 2018.

7 (2) A prescription drug that is included in the formulary adopted by
8 the compensation court and recommended in such formulary is presumed to
9 be reasonable under subdivision (1)(a) of section 48-120 and may be
10 prescribed and dispensed without obtaining prior authorization from the
11 workers' compensation insurer, risk management pool, or self-insured
12 employer.

13 (3) A prescription drug that is not included in the formulary
14 adopted by the compensation court or that is included but not recommended
15 in such formulary is presumed to be reasonable under subdivision (1)(a)
16 of section 48-120 if prior authorization for such drug is obtained from
17 the workers' compensation insurer, risk management pool, or self-insured
18 employer.

19 (4) Any party may request a finding by an independent medical
20 examiner pursuant to section 48-134.01 if (a) the workers' compensation
21 insurer, risk management pool, or self-insured employer denies payment
22 for a prescription drug that is not included in the formulary adopted by
23 the compensation court or that is included but not recommended in such
24 formulary or (b) the workers' compensation insurer, risk management pool,
25 or self-insured employer denies prior authorization for a prescription
26 drug that is not included in the formulary adopted by the compensation
27 court or that is included but not recommended in such formulary.

28 (5) The compensation court may adopt and promulgate rules and
29 regulations necessary to implement this section.

30 Sec. 2. Section 48-1,110, Revised Statutes Cumulative Supplement,
31 2016, is amended to read:

1 48-1,110 Sections 48-101 to 48-1,117 and section 1 of this act shall
2 be known and may be cited as the Nebraska Workers' Compensation Act.

3 Sec. 3. Original section 48-1,110, Revised Statutes Cumulative
4 Supplement, 2016, is repealed.