

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 316

FINAL READING

Introduced by Kolterman, 24; Briese, 41.

Read first time January 16, 2019

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to pharmacy; to provide duties for pharmacists
- 2 and contracted pharmacies regarding disclosure of cost, price, or
- 3 copayment of prescription drugs; to prohibit insurers from requiring
- 4 excessive payments as prescribed; to define terms; and to declare an
- 5 emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For purposes of this section:

2 (a) Contracted pharmacy means a pharmacy located in this state that
3 participates either in the network of a pharmacy benefit manager or in a
4 health care or pharmacy benefits management plan through a direct
5 contract or through a contract with a pharmacy services administration
6 organization, a group purchasing organization, or another contracting
7 agent;

8 (b) Covered entity means (i) a nonprofit hospital or medical
9 services corporation, an insurer, a third-party payor, a managed care
10 company, or a health maintenance organization, (ii) a health program
11 administered by the state in the capacity of provider of health insurance
12 coverage, or (iii) an employer, a labor union, or any other group of
13 persons organized in the state that provides health insurance coverage;

14 (c) Covered individual means a member, participant, enrollee,
15 contract holder, policyholder, or beneficiary of a covered entity who is
16 provided health insurance coverage by the covered entity and includes a
17 dependent or other person provided health insurance coverage through a
18 policy, contract, or plan for a covered individual;

19 (d)(i) Insurer means any person providing life insurance, sickness
20 and accident insurance, workers' compensation insurance, or annuities in
21 this state.

22 (ii) Insurer includes an authorized insurance company, a prepaid
23 hospital or medical care plan, a managed care plan, a health maintenance
24 organization, any other person providing a plan of insurance subject to
25 state insurance regulation, and an employer who is approved by the
26 Nebraska Workers' Compensation Court as a self-covered entity;

27 (e) Pharmacist has the same meaning as in section 38-2832;

28 (f) Pharmacy has the same meaning as in section 71-425;

29 (g) Pharmacy benefit manager means a person or an entity that
30 performs pharmacy benefits management services for a covered entity and
31 includes any other person or entity acting on behalf of a pharmacy

1 benefit manager pursuant to a contractual or employment relationship;

2 (h) Pharmacy benefits management means the administration or
3 management of prescription drug benefits provided by a covered entity
4 under the terms and conditions of the contract between the pharmacy
5 benefit manager and the covered entity; and

6 (i) Prescription drug means a prescription drug or device or legend
7 drug or device as defined in section 38-2841.

8 (2) A pharmacist or contracted pharmacy shall not be prohibited from
9 or subject to penalties or removal from a network or plan for sharing
10 information regarding the cost, price, or copayment of a prescription
11 drug with a covered individual or a covered individual's caregiver. A
12 pharmacy benefit manager shall not prohibit or inhibit a pharmacist or
13 contracted pharmacy from discussing any such information or selling a
14 more affordable alternative to a covered individual or a covered
15 individual's caregiver.

16 (3) An insurer that offers a health plan which covers prescription
17 drugs shall not require a covered individual to make a payment for a
18 prescription drug at the point of sale in an amount that exceeds the
19 lesser of:

20 (a) The covered individual's copayment, deductible, or coinsurance
21 for such prescription drug; or

22 (b) The amount any individual would pay for such prescription drug
23 if that individual paid in cash.

24 Sec. 2. Since an emergency exists, this act takes effect when
25 passed and approved according to law.