

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 487**

Introduced by La Grone, 49.

Read first time January 22, 2019

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 2018; to require the Nebraska Workers' Compensation Court to adopt
- 4 an evidence-based drug formulary as prescribed; and to repeal the
- 5 original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-1,110, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 48-1,110 Sections 48-101 to 48-1,117 and section 2 of this act shall  
4 be known and may be cited as the Nebraska Workers' Compensation Act.

5 Sec. 2. (1) The Nebraska Workers' Compensation Court shall adopt an  
6 evidence-based drug formulary consisting of prescription drugs listed in  
7 Schedules II, III, IV, and V of section 28-405. Such formulary shall  
8 apply to prescription drugs that are prescribed and dispensed for  
9 outpatient use in connection with any workers' compensation claim with a  
10 date of injury on or after January 1, 2020.

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

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

23 (4) The compensation court shall meet and consult regarding the  
24 adoption of a drug formulary with stakeholders, including, but not  
25 limited to, employers, insurers, private sector employee representatives,  
26 public sector employee representatives, treating physicians actively  
27 practicing medicine, pharmacists, and attorneys who represent injured  
28 workers or employers.

29 (5) Any party may request a finding by an independent medical  
30 examiner pursuant to section 48-134.01 if (a) the workers' compensation  
31 insurer, risk management pool, or self-insured employer denies payment

1 for a prescription drug that is not included in the formulary adopted by  
2 the compensation court or that is included but not recommended in such  
3 formulary or (b) the workers' compensation insurer, risk management pool,  
4 or self-insured employer denies prior authorization for a prescription  
5 drug that is not included in the formulary adopted by the compensation  
6 court or that is included but not recommended in such formulary.

7 (6) The compensation court may adopt and promulgate rules and  
8 regulations necessary to implement this section.

9 Sec. 3. Original section 48-1,110, Revised Statutes Cumulative  
10 Supplement, 2018, is repealed.