

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 448

Introduced by Bostar, 29.

Read first time January 13, 2023

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to insurance; to prohibit certain provisions
2 in a health plan in relation to clinician-administered drugs; and to
3 define a term.
4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Notwithstanding section 44-3,131, (a) any individual
2 or group sickness and accident insurance policy, certificate, or
3 subscriber contract delivered, issued for delivery, or renewed in this
4 state and any hospital, medical, or surgical expense-incurred policy,
5 except for policies that provide coverage for a specified disease or
6 other limited-benefit coverage, and (b) any self-funded employee benefit
7 plan to the extent not preempted by federal law, shall not:

8 (a) Refuse to authorize, approve, or pay a participating provider
9 for providing covered clinician-administered drugs and related services
10 to covered persons;

11 (b) Impose coverage or benefit limitations or require an enrollee to
12 pay an additional fee, higher copay, higher coinsurance, second copay,
13 second coinsurance, or other penalty when obtaining clinician-
14 administered drugs from a health care provider authorized under the laws
15 of this state to administer clinician-administered drugs or a pharmacy;

16 (c) Interfere with the right of a patient to choose to obtain a
17 clinician-administered drug from such patient's provider such as through
18 inducement, steering, or offering financial or other incentives;

19 (d) Require clinician-administered drugs to be dispensed by a
20 pharmacy selected by the insurer;

21 (e) Limit or exclude coverage for a clinician-administered drug when
22 such drug is not dispensed by a pharmacy selected by the health plan if
23 such drug would otherwise be covered;

24 (f) Reimburse at a lesser amount a clinician-administered drug
25 dispensed by a pharmacy not selected by the insurer or acquired from an
26 entity not selected by the insurer;

27 (g) Condition, deny, restrict, refuse to authorize or approve, or
28 reduce payment to a participating provider for providing covered
29 clinician-administered drugs and related services to covered persons when
30 the participating provider obtains clinician-administered drugs from a
31 wholesaler, a distributor, an entity, or a pharmacy that is not a

1 participating provider in the insurer's network, if all criteria for
2 medical necessity are met;

3 (h) Require an enrollee to pay an additional fee, higher copay,
4 higher coinsurance, second copay, second coinsurance, or any other form
5 of price increase for clinician-administered drugs when not dispensed by
6 a pharmacy selected by the insurer; or

7 (i) Require a specialty pharmacy to dispense a clinician-
8 administered medication directly to a patient with the intention that the
9 patient will transport the medication to a health care provider for
10 administration.

11 (2) Notwithstanding section 44-3,131, (a) any individual or group
12 sickness and accident insurance policy, certificate, or subscriber
13 contract delivered, issued for delivery, or renewed in this state and any
14 hospital, medical, or surgical expense-incurred policy, except for
15 policies that provide coverage for a specified disease or other limited-
16 benefit coverage, and (b) any self-funded employee benefit plan to the
17 extent not preempted by federal law, may offer, but shall not require:

18 (i) The use of a home infusion pharmacy to dispense clinician-
19 administered drugs to patients in their homes; or

20 (ii) The use of an infusion site external to a patient's provider
21 office or clinic.

22 (3) For purposes of this section, clinician-administered drug means
23 an outpatient prescription drug other than a vaccine that:

24 (a) Cannot reasonably be self-administered to a patient by such
25 patient or by an individual assisting the patient with the self-
26 administration; and

27 (b) Is typically administered:

28 (i) By a health care provider authorized under the laws of this
29 state to administer the drug, including when acting under a physician's
30 delegation and supervision; and

31 (ii) In a physician's office, hospital outpatient infusion center,

1 or other clinical setting.